

106TH CONGRESS  
2D SESSION

# S. 2254

To amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 21, 2000

Mr. LIEBERMAN (for himself, Mr. BAYH, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, Mr. GRAHAM, Mr. ROBB, and Mr. BREAUX) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Public Education Reinvestment, Reinvention, and Re-  
6 sponsibility Act (Three R’s)”.

7 (b) TABLE OF CONTENTS.—The table of contents of  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 2. References.
- Sec. 3. Declaration of priorities.

#### TITLE I—STUDENT PERFORMANCE

- Sec. 101. Heading.
- Sec. 102. Findings, policy, and purpose.
- Sec. 103. Authorization of appropriations.
- Sec. 104. Reservation for school improvement.

#### PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

- Sec. 105. State plans.
- Sec. 106. Local educational agency plans.
- Sec. 107. Schoolwide programs.
- Sec. 108. School choice.
- Sec. 109. Assessment and local educational agency and school improvement.
- Sec. 110. State assistance for school support and improvement.
- Sec. 111. Parental involvement changes.
- Sec. 112. Qualifications for teachers and paraprofessionals.
- Sec. 113. Professional development.
- Sec. 114. Fiscal requirements.
- Sec. 115. Coordination requirements.
- Sec. 116. Grants for the outlying areas and the Secretary of the Interior.
- Sec. 117. Amounts for grants.
- Sec. 118. Basic grants to local educational agencies.
- Sec. 119. Concentration grants.
- Sec. 120. Targeted grants.
- Sec. 121. Special allocation procedures.

#### PART B—EVEN START FAMILY LITERACY PROGRAMS

- Sec. 131. Program authorized.
- Sec. 132. Applications.
- Sec. 133. Research.

#### PART C—EDUCATION OF MIGRATORY CHILDREN

- Sec. 141. Comprehensive needs assessment and service-delivery plan; authorized activities.

#### PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT

- Sec. 151. State plan and State agency applications.
- Sec. 152. Use of funds.

#### PART E—FEDERAL EVALUATIONS, DEMONSTRATIONS, AND TRANSITION PROJECTS

- Sec. 161. Evaluations.
- Sec. 162. Demonstrations of innovative practices.

#### PART F—RURAL EDUCATION DEVELOPMENT INITIATIVE

- Sec. 171. Rural education development initiative.

## PART G—GENERAL PROVISIONS

- Sec. 181. Federal regulations.  
 Sec. 182. State administration.

## TITLE II—TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE

- Sec. 201. Teacher and principal quality, professional development, and class size.

## TITLE III—LANGUAGE MINORITY STUDENTS AND INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

- Sec. 301. Language minority students.  
 Sec. 302. Emergency immigrant education program.  
 Sec. 303. Indian, Native Hawaiian, and Alaska Native education.

## TITLE IV—PUBLIC SCHOOL CHOICE

- Sec. 401. Public school choice.  
 Sec. 402. Development of public school choice programs; report cards.

## TITLE V—IMPACT AID

- Sec. 501. Impact aid.

## TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

- Sec. 601. High performance and quality education initiatives.

## TITLE VII—ACCOUNTABILITY

- Sec. 701. Accountability.

## TITLE VIII—GENERAL PROVISIONS AND REPEALS

- Sec. 801. Repeals, transfers, and redesignations regarding titles VIII and XIV.  
 Sec. 802. Other repeals.

1 **SEC. 2. REFERENCES.**

2       Except as otherwise expressly provided, whenever in  
 3 this Act an amendment or repeal is expressed in terms  
 4 of an amendment to, or repeal of, a section or other provi-  
 5 sion, the reference shall be considered to be made to a  
 6 section or other provision of the Elementary and Sec-  
 7 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

1 **SEC. 3. DECLARATION OF PRIORITIES.**

2 Congress declares that our national educational prior-  
3 ities are to—

4 (1) introduce real accountability by making  
5 public elementary school and secondary school edu-  
6 cation funding performance-based rather than a  
7 guaranteed source of revenue for States and local  
8 educational agencies;

9 (2) require State educational agencies and local  
10 educational agencies to establish high student per-  
11 formance objectives, and to provide the State edu-  
12 cational agencies and local educational agencies with  
13 flexibility in using Federal resources to ensure that  
14 the performance objectives are met;

15 (3) concentrate Federal funding around a small  
16 number of central education goals, including com-  
17 pensatory education for disadvantaged children and  
18 youth, teacher quality and professional development,  
19 programs for limited English proficient students,  
20 public school choice programs, innovative educational  
21 programs, student safety, and the incorporation of  
22 educational technology;

23 (4) concentrate Federal education funding on  
24 impoverished areas where elementary schools and  
25 secondary schools are most likely to be in distress;

1           (5) sanction State educational agencies and  
 2           local educational agencies that consistently fail to  
 3           meet established benchmarks; and

4           (6) reward State educational agencies, local  
 5           educational agencies, and elementary schools and  
 6           secondary schools that demonstrate high perform-  
 7           ance.

## 8                   **TITLE I—STUDENT** 9                   **PERFORMANCE**

### 10 **SEC. 101. HEADING.**

11           The heading for title I (20 U.S.C. 6301 et seq.) is  
 12           amended to read as follows:

## 13                   **“TITLE I—STUDENT** 14                   **PERFORMANCE”.**

### 15 **SEC. 102. FINDINGS, POLICY, AND PURPOSE.**

16           Section 1001 (20 U.S.C. 6301) is amended to read  
 17           as follows:

#### 18 **“SEC. 1001. FINDINGS, POLICY AND PURPOSE.**

19           “(a) FINDINGS.—Congress makes the following find-  
 20           ings:

21                   “(1) Despite more than 3 decades of Federal  
 22                   assistance, a sizable achievement gap remains be-  
 23                   tween low-income and middle-class students.

24                   “(2) The 1994 reauthorization of the Elemen-  
 25                   tary and Secondary Education Act of 1965 was an

1 important step in focusing our Nation’s priorities on  
2 closing the achievement gap between poor and afflu-  
3 ent students in the United States. The Federal Gov-  
4 ernment must continue to build on these improve-  
5 ments made in 1994 by holding States and local  
6 educational agencies accountable for student achieve-  
7 ment.

8 “(3) States can help close this achievement gap  
9 by developing challenging curriculum content and  
10 student performance standards so that all elemen-  
11 tary school and secondary school students perform  
12 at an advanced level. States should implement vig-  
13 orous and comprehensive student performance as-  
14 sessments, such as the National Assessment of Edu-  
15 cational Progress (NAEP) so as to measure fully the  
16 progress of our Nation’s students.

17 “(4) In order to ensure that no child is left be-  
18 hind in the new economy, the Federal Government  
19 must better target Federal resources on those chil-  
20 dren who are most at-risk for falling behind aca-  
21 demically.

22 “(5)(A) Title I funds have been targeted on  
23 high-poverty areas, but not to the degree they should  
24 be as demonstrated by the following:

1           “(B) Although 95 percent of schools with pov-  
2           erty levels of 75 percent to 100 percent receive title  
3           I funding, 20 percent of schools with poverty levels  
4           of 50 to 74 percent do not receive any title I fund-  
5           ing.

6           “(C) Only 64 percent of schools with poverty  
7           levels in the 35 percent to 49 percent range receive  
8           title I funding.

9           “(6) Title I funding should be significantly in-  
10          creased and more effectively targeted to ensure that  
11          all low-income students have an opportunity to excel  
12          academically.

13          “(7) The Federal Government should provide  
14          greater decisionmaking authority and flexibility to  
15          schools and teachers in exchange for greater respon-  
16          sibility for student performance. Federal, State, and  
17          local efforts should be focused on raising the aca-  
18          demic achievement of all students. Our Nation’s  
19          children deserve nothing less than holding account-  
20          able those responsible for shaping our childrens’ fu-  
21          ture and our country’s future.

22          “(b) POLICY.—Congress declares that it is the policy  
23          of the United States to ensure that all students receive  
24          a high-quality education by holding States, local edu-  
25          cational agencies, and elementary schools and secondary

1 schools accountable for increased student academic per-  
2 formance results, and by facilitating improved classroom  
3 instruction.

4 “(c) PURPOSES.—The purposes of this title are as  
5 follows:

6 “(1) To eliminate the existing 2-tiered edu-  
7 cational system, which set lower academic expecta-  
8 tions for impoverished students than for affluent  
9 students.

10 “(2) To require all States to have challenging  
11 content and student performance standards and as-  
12 sessment measures in place.

13 “(3) To require all States to ensure adequate  
14 yearly progress for all students by establishing an-  
15 nual, numerical performance objectives.

16 “(4) To ensure that all title I students receive  
17 educational instruction from a fully qualified teach-  
18 er.

19 “(5) To support State and local educational  
20 agencies in identifying, assisting, and correcting low-  
21 performing schools.

22 “(6) To increase Federal funding for part A  
23 programs for disadvantaged students in return for  
24 increased academic performance of all students.

1           “(7) To target Federal funding to local edu-  
2           cational agencies serving the highest percentages of  
3           low-income students.”.

4   **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

5           Section 1002 (20 U.S.C. 6302) is amended to read  
6   as follows:

7   **“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

8           “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For  
9   the purpose of carrying out part A, other than section  
10 1120(e), there are authorized to be appropriated  
11 \$12,000,000,000 for fiscal year 2001 and such sums as  
12 may be necessary for each of the 4 succeeding fiscal years.

13          “(b) EVEN START.—For the purpose of carrying out  
14 part B, there are authorized to be appropriated such sums  
15 as may be necessary for fiscal year 2001 and each of the  
16 4 succeeding fiscal years.

17          “(c) EDUCATION OF MIGRATORY CHILDREN.—For  
18 the purpose of carrying out part C, there are authorized  
19 to be appropriated such sums as may be necessary for fis-  
20 cal year 2001 and each of the 4 succeeding fiscal years.

21          “(d) PREVENTION AND INTERVENTION PROGRAMS  
22 FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT  
23 RISK OF DROPPING OUT.—For the purpose of carrying  
24 out part D, there are authorized to be appropriated such

1 sums as may be necessary for fiscal year 2001 and each  
 2 of the 4 succeeding fiscal years.

3 “(e) CAPITAL EXPENSES.—For the purpose of car-  
 4 rying out section 1120(e), there are authorized to be ap-  
 5 propriated \$12,000,000 for fiscal year 2001 and  
 6 \$5,000,000 for fiscal year 2002.

7 “(f) FEDERAL ACTIVITIES.—For the purpose of car-  
 8 rying out sections 1501 and 1502, there are authorized  
 9 to be appropriated such sums as may be necessary for fis-  
 10 cal year 2001 and each of the 4 succeeding fiscal years.”.

11 **SEC. 104. RESERVATION FOR SCHOOL IMPROVEMENT.**

12 Section 1003 (20 U.S.C. 6303) is amended to read  
 13 as follows:

14 **“SEC. 1003. RESERVATION FOR SCHOOL IMPROVEMENT.**

15 “(a) STATE RESERVATIONS.—

16 “(1) IN GENERAL.—Each State educational  
 17 agency shall reserve 2.5 percent of the amount the  
 18 State educational agency receives under part A for  
 19 fiscal years 2001 and 2002, and 3.5 percent of that  
 20 amount for fiscal years 2003 through 2005, to carry  
 21 out paragraph (2) and to carry out the State edu-  
 22 cational agency’s responsibilities under sections 1116  
 23 and 1117, including the State educational agency’s  
 24 statewide system of technical assistance and support  
 25 for local educational agencies.

1           “(2) USES.—Of the amount reserved under  
2       paragraph (1) for any fiscal year, the State edu-  
3       cational agency shall make available at least 80 per-  
4       cent of such amount directly to local educational  
5       agencies.

6           **PART A—IMPROVING BASIC PROGRAMS**  
7       **OPERATED BY LOCAL EDUCATIONAL AGENCIES**  
8       **SEC. 105. STATE PLANS.**

9       Section 1111 (20 U.S.C. 6311) is amended to read  
10   as follows:

11   **“SEC. 1111. STATE PLANS.**

12       “(a) PLANS REQUIRED.—

13           “(1) IN GENERAL.—Any State educational  
14       agency desiring a grant under this part shall submit  
15       to the Secretary a plan, developed in consultation  
16       with local educational agencies, teachers, pupil serv-  
17       ices personnel, administrators (including administra-  
18       tors of programs described in other parts of this  
19       title), local school boards, other staff, and parents,  
20       that satisfies the requirements of this section and  
21       that is coordinated with other programs under this  
22       Act, the Individuals with Disabilities Education Act,  
23       the Carl D. Perkins Vocational and Technical Edu-  
24       cation Act of 1998, and the Head Start Act.

1           “(2) CONSOLIDATED PLAN.—A State plan sub-  
 2           mitted under paragraph (1) may be submitted as  
 3           part of a consolidated plan under section 8302.

4           “(b) STANDARDS, ASSESSMENTS, AND ACCOUNT-  
 5           ABILITY.—

6           “(1) CHALLENGING STANDARDS.—

7                   “(A) IN GENERAL.—Each State plan shall  
 8           demonstrate that the State has adopted chal-  
 9           lenging content standards and challenging stu-  
 10          dent performance standards that will be used  
 11          by the State, and the local educational agencies,  
 12          and elementary schools and secondary schools,  
 13          within the State to carry out this part.

14                   “(B) UNIFORMITY.—The standards re-  
 15          quired by subparagraph (A) shall be the same  
 16          standards that the State applies to all elemen-  
 17          tary schools and secondary schools within the  
 18          State and all children attending such schools.

19                   “(C) SUBJECTS.—The State shall have  
 20          such standards for elementary school and sec-  
 21          ondary school children served under this part in  
 22          subjects determined by the State, but including  
 23          at least mathematics, science, and English lan-  
 24          guage arts, and which shall include the same

1 knowledge, skills, and levels of performance ex-  
2 pected of all children.

3 “(D) STANDARDS.—Standards under this  
4 paragraph shall include—

5 “(i) challenging content standards in  
6 academic subjects that—

7 “(I) specify what children are ex-  
8 pected to know and be able to do;

9 “(II) contain coherent and rig-  
10 orous content; and

11 “(III) encourage the teaching of  
12 advanced skills; and

13 “(ii) challenging student performance  
14 standards that—

15 “(I) are aligned with the State’s  
16 content standards;

17 “(II) describe 2 levels of high  
18 performance, proficient and advanced  
19 levels of performance, that determine  
20 how well children are mastering the  
21 material in the State content stand-  
22 ards; and

23 “(III) describe a third level of  
24 performance, a basic level of perform-  
25 ance, to provide complete information

1                   about the progress of the lower per-  
2                   forming children toward achieving to  
3                   the proficient and advanced levels of  
4                   performance.

5                   “(E) ADDITIONAL SUBJECTS.—For the  
6                   subjects in which students will be served under  
7                   this part, but for which a State is not required  
8                   under subparagraphs (A), (B), and (C) to de-  
9                   velop, and has not otherwise developed, chal-  
10                  lenging content and student performance stand-  
11                  ards, the State plan shall describe a strategy  
12                  for ensuring that such students are taught the  
13                  same knowledge and skills and held to the same  
14                  expectations as are all children.

15                  “(F) SPECIAL RULE.—In the case of a  
16                  State that allows local educational agencies to  
17                  adopt more rigorous standards than those set  
18                  by the State, local educational agencies shall be  
19                  allowed to implement such standards.

20                  “(2) ADEQUATE YEARLY PROGRESS.—

21                  “(A) IN GENERAL.—Each State plan shall  
22                  demonstrate, based on assessments described  
23                  under paragraph (4), what constitutes adequate  
24                  yearly progress of—

1 “(i) any school served under this part  
2 toward enabling all children to meet the  
3 State’s challenging student performance  
4 standards;

5 “(ii) any local educational agency that  
6 receives funds under this part toward ena-  
7 bling all children in schools served by the  
8 local educational agency and receiving as-  
9 sistance under this part to meet the  
10 State’s challenging student performance  
11 standards; and

12 “(iii) the State in enabling all children  
13 in schools receiving assistance under this  
14 part to meet the State’s challenging stu-  
15 dent performance standards.

16 “(B) DEFINITION.—Adequate yearly  
17 progress shall be defined by the State in a man-  
18 ner that—

19 “(i) applies the same high standards  
20 of academic performance to all students in  
21 the State;

22 “(ii) takes into account the progress  
23 of all students in the State and in each  
24 local educational agency and school served  
25 under section 1114 or 1115;

1 “(iii) uses the State challenging con-  
2 tent and challenging student performance  
3 standards and assessments described in  
4 paragraphs (1) and (4);

5 “(iv) compares separately, within each  
6 State, local educational agency, and school,  
7 the performance and progress of students,  
8 by each major ethnic and racial group, by  
9 gender, by English proficiency status, and  
10 by economically disadvantaged students as  
11 compared to students who are not eco-  
12 nomically disadvantaged (except that such  
13 disaggregation shall not be required in a  
14 case in which the number of students in a  
15 category is insufficient to yield statistically  
16 reliable information or the results would  
17 reveal individually identifiable information  
18 about an individual student);

19 “(v) compares the proportions of stu-  
20 dents at the basic, proficient, and ad-  
21 vanced levels of performance with the pro-  
22 portions of students at each of the 4 per-  
23 formance levels in the same grade in the  
24 previous school year;

1 “(vi) endeavors to include other aca-  
2 demic measures such as promotion, attend-  
3 ance, drop-out rates, completion of college  
4 preparatory courses, college admission  
5 tests taken, and secondary school comple-  
6 tion, except that failure to meet another  
7 academic measure, other than student per-  
8 formance on State assessments aligned  
9 with State standards, shall not provide the  
10 sole basis for designating a district or  
11 school as in need of improvement;

12 “(vii) includes annual numerical ob-  
13 jectives for improving the performance of  
14 all groups described in clause (iv) and nar-  
15 rowing gaps in performance between these  
16 groups in, at least, the areas of mathe-  
17 matics and English language arts; and

18 “(viii) includes a timeline for ensuring  
19 that each group of students described in  
20 clause (iv) meets or exceeds the State’s  
21 proficient level of performance on each  
22 State assessment used for the purposes of  
23 this section and section 1116 not later  
24 than 10 years after the date of enactment

1 of the Public Education Reinvestment, Re-  
2 invention, and Responsibility Act.

3 “(C) ACCOUNTABILITY.—Each State plan  
4 shall demonstrate that the State has developed  
5 and is implementing a statewide accountability  
6 system that has been or will be effective in en-  
7 suring that all local educational agencies, ele-  
8 mentary schools, and secondary schools are  
9 making adequate yearly progress as defined in  
10 section 1111(b)(2)(B). Each State account-  
11 ability system shall—

12 “(i) be based on the standards and as-  
13 sessments adopted under paragraphs (1)  
14 and (4) and take into account the perform-  
15 ance of all students required by law to be  
16 included in such assessments;

17 “(ii) be the same accountability sys-  
18 tem the State uses for all schools or all  
19 local educational agencies, if the State has  
20 an accountability system for all schools or  
21 all local educational agencies;

22 “(iii) provide for the identification of  
23 schools or local educational agencies receiv-  
24 ing funds under this part that for 2 con-  
25 secutive years have exceeded such schools’

1 or agencies' adequate yearly progress goals  
2 so that information about the practices  
3 and strategies of such schools or agencies  
4 can be disseminated to other schools in the  
5 local educational agency and in the State  
6 and such schools can be considered for re-  
7 wards provided under title VII of this Act;

8 “(iv) provide for the identification of  
9 schools and local educational agencies in  
10 need of improvement, as required by sec-  
11 tion 1116, and for the provision of tech-  
12 nical assistance, professional development,  
13 and other capacity-building as needed, in-  
14 cluding those measures specified in sec-  
15 tions 1116(d)(9) and 1117, to ensure that  
16 schools and local educational agencies so  
17 identified have the resources, skills, and  
18 knowledge needed to carry out their obliga-  
19 tions under sections 1114 and 1115 and to  
20 meet the requirements for annual improve-  
21 ment described in paragraph (2); and

22 “(v) provide for the identification of  
23 schools and local educational agencies for  
24 corrective action or actions as required by  
25 section 1116, and for the implementation

1 of corrective actions against school and  
2 school districts when such actions are re-  
3 quired under such section.

4 “(D) ANNUAL IMPROVEMENT FOR  
5 STATES.—For a State to make adequate yearly  
6 progress under subparagraph (A)(iii), not less  
7 than 90 percent of the local educational agen-  
8 cies within the State shall meet the State’s cri-  
9 teria for adequate yearly progress.

10 “(E) ANNUAL IMPROVEMENT FOR LOCAL  
11 EDUCATIONAL AGENCIES.—For a local edu-  
12 cational agency to make adequate yearly  
13 progress under subparagraph (A)(ii), not less  
14 than 90 percent of the schools served by the  
15 local educational agency shall meet the State’s  
16 criteria for adequate yearly progress.

17 “(F) ANNUAL IMPROVEMENT FOR  
18 SCHOOLS.—For an elementary school or a sec-  
19 ondary school to make adequate yearly progress  
20 under subparagraph (A)(i), not less than 90  
21 percent of each group of students described in  
22 subparagraph (B)(iv) who are enrolled in such  
23 school shall take the assessments described in  
24 paragraph (4)(D) and in section 612(a)(17)(A)

1 of the Individuals with Disabilities Education  
2 Act.

3 “(G) PUBLIC NOTICE AND COMMENT.—

4 “(i) IN GENERAL.—Each State shall  
5 submit information in the State plan dem-  
6 onstrating that in developing such plan—

7 “(I) the State diligently sought  
8 public comment from a range of insti-  
9 tutions and individuals in the State  
10 with an interest in improved student  
11 achievement; and

12 “(II) the State made and will  
13 continue to make a substantial effort  
14 to ensure that information regarding  
15 content standards, performance stand-  
16 ards, assessments, and the State ac-  
17 countability system is widely known  
18 and understood by the public, parents,  
19 teachers, and school administrators  
20 throughout the State.

21 “(ii) EFFORTS.—The efforts described  
22 in clause (i), at a minimum, shall include  
23 annual publication of such information and  
24 explanatory text to the public through such  
25 means as the Internet, the media, and pub-

1           lic agencies. Non-English language shall be  
2           used to communicate with parents where  
3           appropriate.

4           “(H) REVIEW.—The Secretary shall review  
5           information from each State on the adequate  
6           yearly progress of schools and local educational  
7           agencies within the State required under sub-  
8           paragraphs (A) and (B) for the purpose of de-  
9           termining State and local compliance with sec-  
10          tion 1116.

11          “(3) STATE AUTHORITY.—If a State edu-  
12          cational agency provides evidence that is satisfactory  
13          to the Secretary that neither the State educational  
14          agency nor any other State government official,  
15          agency, or entity has sufficient authority under  
16          State law to adopt curriculum content and student  
17          performance standards, and assessments aligned  
18          with such standards, that will be applicable to all  
19          students enrolled in the State’s public schools, then  
20          the State educational agency may meet the require-  
21          ments of this subsection by—

22               “(A) adopting curriculum content and stu-  
23               dent performance standards and assessments  
24               that meet the requirements of this subsection,  
25               on a statewide basis, and limiting the applica-

1           bility of such standards and assessments to stu-  
 2           dents served under this part; or

3           “(B) adopting and implementing policies  
 4           that ensure that each local educational agency  
 5           within a State receiving a grant under this part  
 6           will adopt curriculum content and student per-  
 7           formance standards and assessments—

8                   “(i) that are aligned with the stand-  
 9                   ards described in subparagraph (A); and

10                   “(ii) that meet the criteria in this sub-  
 11                   section and any regulations regarding such  
 12                   standards and assessments that the Sec-  
 13                   retary may publish and that are applicable  
 14                   to all students served by each such local  
 15                   educational agency.

16           “(4) ASSESSMENTS.—Each State plan shall  
 17           demonstrate that the State has implemented a set of  
 18           high quality, yearly student assessments that in-  
 19           clude, at a minimum, assessments in mathematics,  
 20           science, and English language arts, that will be  
 21           used, starting not later than the 2000–2001 school  
 22           year as the primary means of determining the yearly  
 23           performance of each local educational agency and  
 24           school served by the State under this title in ena-  
 25           bling all children to meet the State’s challenging

1 content and student performance standards. Such  
 2 assessments shall—

3 “(A) be the same assessments used to  
 4 measure the performance of all children, if the  
 5 State measures the performance of all children;

6 “(B) be aligned with the State’s chal-  
 7 lenging content and student performance stand-  
 8 ards, and provide coherent information about  
 9 student attainment of such standards;

10 “(C) be used only for purposes for which  
 11 such assessments are valid and reliable, and be  
 12 consistent with relevant, nationally recognized  
 13 professional and technical standards for such  
 14 assessments;

15 “(D) measure the performance of students  
 16 against the challenging State content and stu-  
 17 dent performance standards, and be adminis-  
 18 tered not less than once during—

19 “(i) grades 3 through 5;

20 “(ii) grades 6 through 9; and

21 “(iii) grades 10 through 12;

22 “(E) include multiple, up-to-date measures  
 23 of student performance, including measures  
 24 that assess higher order thinking skills and un-  
 25 derstanding;

1 “(F) provide for—

2 “(i) the participation in such assess-  
3 ments of all students;

4 “(ii) the reasonable adaptations and  
5 accommodations for students with disabil-  
6 ities as defined in 602(3) of the Individ-  
7 uals with Disabilities Education Act nec-  
8 essary to measure the achievement of such  
9 students relative to State content and stu-  
10 dent performance standards;

11 “(iii) in the case of a student with  
12 limited English proficiency, the assessment  
13 of such student in the student’s native lan-  
14 guage if such a native language assessment  
15 is more likely than an English language  
16 assessment to yield accurate and reliable  
17 information on what that student knows  
18 and is able to do; and

19 “(iv) notwithstanding clause (iii), the  
20 assessment (using tests written in English)  
21 of English language arts of any student  
22 who has attended school in the United  
23 States (not including the Commonwealth of  
24 Puerto Rico) for 3 or more consecutive  
25 school years, except if the local educational

1 agency determines, on a case-by-case indi-  
2 vidual basis, that assessments in another  
3 language and form would likely yield more  
4 accurate and reliable information on what  
5 such students know and can do, the local  
6 educational agency may assess such stu-  
7 dents in the appropriate language other  
8 than English for 1 additional consecutive  
9 year beyond the third consecutive year;  
10 and

11 “(G) include students who have attended  
12 schools in a local educational agency for a full  
13 academic year but have not attended a single  
14 school for a full academic year, except that the  
15 performance of students who have attended  
16 more than 1 school in the local educational  
17 agency in any academic year shall be used only  
18 in determining the progress of the local edu-  
19 cational agency;

20 “(H) provide individual student reports to  
21 be submitted to parents, including assessment  
22 scores or other information on the attainment  
23 of student performance standards; and

24 “(I) enable results to be disaggregated  
25 within each State, local educational agency, and

1 school by gender, by each major racial and eth-  
 2 nic group, by English proficiency status, and by  
 3 economically disadvantaged students as com-  
 4 pared to students who are not economically dis-  
 5 advantaged.

6 “(5) RIGOROUS CRITERIA.—States are encour-  
 7 aged to use rigorous criteria assessment measures.

8 “(6) FIRST GRADE LITERACY ASSESSMENT.—In  
 9 addition to those assessments described in para-  
 10 graph (4), each State receiving funds under this  
 11 part shall describe in its State plan what reasonable  
 12 steps it is taking to assist and encourage local edu-  
 13 cational agencies—

14 “(A) to measure literacy skills of first  
 15 graders in schools receiving funds under this  
 16 part by providing assessments of first graders  
 17 that are—

18 “(i) developmentally appropriate;

19 “(ii) aligned with State content and  
 20 student performance standards; and

21 “(iii) scientifically research-based; and

22 “(B) to assist and encourage local edu-  
 23 cational agencies receiving funds under this  
 24 part in identifying and taking developmentally  
 25 appropriate and effective interventions in any

1 school served under this part in which a sub-  
 2 stantial number of first graders have not dem-  
 3 onstrated grade-level literacy proficiency by the  
 4 end of the school year.

5 “(7) LANGUAGE ASSESSMENTS.—Each State  
 6 plan shall identify the languages other than English  
 7 and Spanish that are present in the participating  
 8 student populations in the State, and indicate the  
 9 languages for which yearly student assessments are  
 10 not available and are needed. The State may request  
 11 assistance from the Secretary if linguistically acces-  
 12 sible assessment measures are needed. Upon request,  
 13 the Secretary shall assist with the identification of  
 14 appropriate assessment measures in the needed lan-  
 15 guages, but shall not mandate a specific assessment  
 16 or mode of instruction.

17 “(8) ASSESSMENT DEVELOPMENT.—A State  
 18 shall develop and implement the State assessments,  
 19 including, at a minimum, mathematics and English  
 20 language arts, by the 2000–2001 school year.

21 “(9) REQUIREMENT.—Each State plan shall  
 22 describe—

23 “(A) how the State educational agency will  
 24 assist each local educational agency and school  
 25 affected by the State plan to develop the capac-

1           ity to comply with each of the requirements of  
2           sections 1114(b), 1115(c), and 1116 that are  
3           applicable to such agency or school;

4           “(B) how the State educational agency  
5           will—

6                   “(i) hold each local educational agency  
7                   affected by the State plan accountable for  
8                   improved student performance, including a  
9                   procedure for—

10                          “(I) identifying local educational  
11                          agencies and schools in need of im-  
12                          provement; and

13                          “(II) assisting local educational  
14                          agencies and schools identified under  
15                          subclause (I) to address achievement  
16                          problems, including thorough descrip-  
17                          tions of the amounts and types of pro-  
18                          fessional development to be provided  
19                          instructional staff, the amount of any  
20                          financial assistance to be provided by  
21                          the State under section 1003, and the  
22                          amount of any funds to be provided  
23                          by other sources and the activities to  
24                          be provided by those sources; and

1                   “(ii) implementing corrective action if  
2                   assistance is not effective;

3                   “(C) how the State educational agency is  
4                   providing low-performing students additional  
5                   academic instruction, such as before- and after-  
6                   school programs and summer academic pro-  
7                   grams;

8                   “(D) such other factors the State considers  
9                   appropriate to provide students an opportunity  
10                  to achieve the knowledge and skills described in  
11                  the State’s challenging content standards;

12                  “(E) the specific steps the State edu-  
13                  cational agency will take or the specific strate-  
14                  gies the State educational agency will use to en-  
15                  sure that—

16                       “(i) all teachers in both schoolwide  
17                       programs and targeted assistance pro-  
18                       grams are fully qualified not later than  
19                       December 31, 2005; and

20                       “(ii) low-income students and minor-  
21                       ity students are not taught at higher rates  
22                       than other students by unexperienced,  
23                       uncertified, or out-of-field teachers; and

24                       “(F) the measures the State educational  
25                       agency will use to evaluate and publicly report

1           the State’s progress in improving the quality of  
2           instruction in the schools served by the State  
3           educational agency and local educational agen-  
4           cies receiving funding under this Act.

5           “(c) OTHER PROVISIONS TO SUPPORT TEACHING  
6 AND LEARNING.—Each State plan shall contain assur-  
7 ances that—

8           “(1) the State educational agency will work  
9           with other agencies, including educational service  
10          agencies or other local consortia and institutions to  
11          provide technical assistance to local educational  
12          agencies and elementary schools and secondary  
13          schools to carry out the State educational agency’s  
14          responsibilities under this part, including technical  
15          assistance in providing professional development  
16          under section 1119(A) and technical assistance  
17          under section 1117; and

18          “(2)(A) where educational service agencies  
19          exist, the State educational agency will consider pro-  
20          viding professional development and technical assist-  
21          ance through such agencies; and

22          “(B) where educational service agencies do not  
23          exist, the State educational agency will consider pro-  
24          viding professional development and technical assist-

1       ance through other cooperative agreements, such as  
2       through a consortium of local educational agencies;

3           “(3) the State educational agency will use the  
4       disaggregated results of the student assessments re-  
5       quired under subsection (b)(4), and other measures  
6       or indicators available to the State, to review annu-  
7       ally the progress of each local educational agency  
8       and school served under this part to determine  
9       whether each such agency and school is making the  
10      annual progress necessary to ensure that all stu-  
11      dents will meet the proficient level of performance  
12      on the assessments described in subsection (b)(4)  
13      within 10 years of the date of enactment of the Pub-  
14      lic Education Reinvestment, Reinvention, and Re-  
15      sponsibility Act;

16           “(4) the State educational agency will provide  
17      the least restrictive and burdensome regulations for  
18      local educational agencies and individual elementary  
19      schools and secondary schools participating in a pro-  
20      gram assisted under this part;

21           “(5) the State educational agency will regularly  
22      inform the Secretary and the public in the State of  
23      how Federal laws, if any, hinder the ability of States  
24      to hold local educational agencies and schools ac-  
25      countable for student academic performance;

1           “(6) the State educational agency will encour-  
 2           age elementary schools and secondary schools to  
 3           consolidate funds from other Federal, State, and  
 4           local sources for schoolwide reform in schoolwide  
 5           programs under section 1114;

6           “(7) the State educational agency will modify or  
 7           eliminate State fiscal and accounting barriers so  
 8           that elementary schools and secondary schools can  
 9           easily consolidate funds from other Federal, State,  
 10          and local sources for schoolwide programs under sec-  
 11          tion 1114;

12          “(8) the State educational agency has involved  
 13          the committee of practitioners established under sec-  
 14          tion 1703(b) (as redesignated by section 161(2)) in  
 15          developing and monitoring the implementation of the  
 16          State plan; and

17          “(9) the State educational agency will inform  
 18          local educational agencies of the local educational  
 19          agency’s authority to obtain waivers under title VIII  
 20          and, if the State is an Ed-Flex Partnership State,  
 21          waivers under the Education Flexibility Partnership  
 22          Act of 1999.

23          “(d) PEER REVIEW AND SECRETARIAL APPROVAL.—  
 24          The Secretary shall—

1           “(1) establish a peer review process to assist in  
2           the review of State plans;

3           “(2) only approve a State plan meeting each of  
4           the requirements of this section;

5           “(3) if the Secretary determines that the State  
6           plan does not meet each of the requirements of sub-  
7           section (a), (b), or (c), immediately notify the State  
8           of such determination and the reasons for such de-  
9           termination;

10          “(4) not disapprove a State plan before—

11               “(A) notifying the State educational agen-  
12               cy in writing of the specific deficiencies of the  
13               State plan;

14               “(B) offering the State an opportunity to  
15               revise the State plan;

16               “(C) providing technical assistance in  
17               order to assist the State to meet the require-  
18               ments under subsections (a), (b), and (c); and

19               “(D) providing a hearing;

20          “(5) have the authority to disapprove a State  
21          plan for not meeting the requirements of this sec-  
22          tion, but shall not have the authority to require a  
23          State, as a condition of approval of the State plan,  
24          to include in, or delete from, such plan 1 or more  
25          specific elements of the challenging State content

1 standards or to use specific assessment instruments  
 2 or items; and

3 “(6) require a State to submit a revised State  
 4 plan that meets the requirements of this section to  
 5 the Secretary for approval not later than 1 year  
 6 after the date of enactment of the Public Education  
 7 Reinvestment, Reinvention, and Responsibility Act.

8 “(e) DURATION OF THE PLAN.—

9 “(1) IN GENERAL.—Each State plan shall—

10 “(A) remain in effect for the duration of  
 11 the State’s participation under this part; and

12 “(B) be periodically reviewed and revised  
 13 by the State, as necessary, to reflect changes in  
 14 the State’s strategies and programs under this  
 15 part.

16 “(2) ADDITIONAL INFORMATION.—If the State  
 17 makes significant changes in its State plan, such as  
 18 the adoption of new challenging State content stand-  
 19 ards and State student performance standards, new  
 20 assessments, or a new definition of adequate yearly  
 21 progress, the State shall submit such information to  
 22 the Secretary.

23 “(f) LIMITATION ON CONDITIONS.—Nothing in this  
 24 part shall be construed to authorize an officer or employee  
 25 of the Federal Government to mandate, direct, or control

1 a State's, local educational agency's, or elementary  
 2 school's or secondary school's specific challenging content  
 3 or student performance standards, assessments, curricula,  
 4 or program of instruction, as a condition of eligibility to  
 5 receive funds under this part.

6 “(g) PENALTIES.—

7 “(1) IN GENERAL.—If a State fails to meet the  
 8 statutory deadlines for demonstrating that the State  
 9 has in place challenging content standards and stu-  
 10 dent performance standards, assessments, a system  
 11 for measuring and monitoring adequate yearly  
 12 progress, and a statewide system for holding schools  
 13 and local educational agencies accountable for mak-  
 14 ing adequate yearly progress with each group of stu-  
 15 dents specified in subsection (b)(2)(B)(iv), the State  
 16 shall be ineligible to receive any administrative funds  
 17 under section 1703(c) that exceed the amount re-  
 18 ceived by the State for such purposes in the previous  
 19 year.

20 “(2) ADDITIONAL FUNDS.—Based on the extent  
 21 to which challenging content standards and student  
 22 performance standards, assessments, systems for  
 23 measuring and monitoring adequate yearly progress,  
 24 and a statewide system for holding schools and local  
 25 educational agencies accountable for making ade-

1       quate yearly progress with each group of students  
 2       specified in subsection (b)(2)(B)(iv), are not in  
 3       place, the Secretary shall withhold additional admin-  
 4       istrative funds in such amount as the Secretary de-  
 5       termines appropriate, except that for each additional  
 6       year that the State fails to comply with such re-  
 7       quirements, the Secretary shall withhold not less  
 8       than  $\frac{1}{5}$  of the amount the State receives for admin-  
 9       istrative expenses under section 1703(c).

10       “(3) WAIVER.—

11               “(A) IN GENERAL.—Except as provided in  
 12       subparagraph (B), notwithstanding part D of  
 13       title VIII, the Education Flexibility Partnership  
 14       Act of 1999, or any other provision of law, a  
 15       waiver of this section shall not be granted, ex-  
 16       cept that a State may request a 1-time, 1-year  
 17       waiver to meet the requirements of this section.

18               “(B) EXCEPTION.—A waiver granted pur-  
 19       suant to subparagraph (A) shall not apply to  
 20       the requirements described under subsection  
 21       (h).

22       “(h) SPECIAL RULE ON SCIENCE STANDARDS AND  
 23       ASSESSMENTS.—Notwithstanding subsection (b) and part  
 24       D of title IV, no State shall be required to meet the re-  
 25       quirements under this title relating to science standards

1 or assessments until the beginning of the 2005–2006  
2 school year.”.

3 **SEC. 106. LOCAL EDUCATIONAL AGENCY PLANS.**

4 (a) SUBGRANTS.—Section 1112(a)(1) (20 U.S.C.  
5 6312(a)(1)) is amended by striking “” and all that follows  
6 and inserting “the Individuals with Disabilities Education  
7 Act, the Carl D. Perkins Vocational and Technical Edu-  
8 cation Act of 1998, the Head Start Act, and other Acts,  
9 as appropriate.”.

10 (b) PLAN PROVISIONS.—Section 1112(b) (20 U.S.C.  
11 6312(b)) is amended—

12 (1) by striking “Each” and inserting “In order  
13 to help low-achieving children achieve high stand-  
14 ards, each”;

15 (2) in paragraph (1)—

16 (A) by striking “part” each place it ap-  
17 pears and inserting “title”; and

18 (B) in subparagraph (B), by inserting  
19 “low-achieving” before “children”;

20 (3) in paragraph (4)—

21 (A) in subparagraph (A)—

22 (i) by striking “program,” and insert-  
23 ing “programs and”; and

24 (ii) by striking “, and school-to-work  
25 transition programs”; and

1 (B) in subparagraph (B), by striking  
 2 “under part C” and all that follows through  
 3 “dropping out” and inserting “under part C,  
 4 neglected or delinquent youth,”;

5 (4) in paragraph (7), by striking “eligible”;

6 (5) in paragraph (9), by striking the period and  
 7 inserting a semicolon; and

8 (6) by adding at the end the following new  
 9 paragraphs:

10 “(10) a description of the actions the local edu-  
 11 cational agency will take to assist the low-per-  
 12 forming schools served by the local educational agen-  
 13 cy, including schools identified under section 1116  
 14 as in need of improvement; and

15 “(11) a description of how the local educational  
 16 agency will promote the use of alternative instruc-  
 17 tional methods, and extended learning time, such as  
 18 an extended school year, before- and after-school  
 19 programs, and summer programs.”.

20 (c) ASSURANCES.—Section 1112(c) (20 U.S.C.  
 21 6312(c)) is amended to read as follows:

22 “(c) ASSURANCES.—

23 “(1) IN GENERAL.—Each local educational  
 24 agency plan shall provide assurances that the local  
 25 educational agency will—

1           “(A) specify the steps the local educational  
2           agency will take to ensure that all teachers in  
3           both schoolwide programs and targeted assist-  
4           ance are fully qualified not later than December  
5           31, 2005 and the strategies the local edu-  
6           cational agency will use to ensure that low-in-  
7           come students and minority students are not  
8           taught at higher rates than other children by  
9           inexperienced, uncertified, or out-of-field teach-  
10          ers, and the measures the agency will use to  
11          evaluate and publicly report progress in improv-  
12          ing the quality of instruction in schools served  
13          by the local educational agency and receiving  
14          funding under this Act;

15          “(B) reserve not less than 10 percent of  
16          the funds the agency receives under this part  
17          for high quality professional development, as  
18          defined in section 1119, for professional in-  
19          struction staff;

20          “(C) provide eligible schools and parents  
21          with information regarding schoolwide project  
22          authority and the ability of such schools to con-  
23          solidate funds from Federal, State, and local  
24          sources;

1           “(D) provide technical assistance and sup-  
2           port to schoolwide programs;

3           “(E) work in consultation with schools as  
4           the schools develop a school plan pursuant to  
5           section 1114(b)(2), and assist schools in imple-  
6           menting such plans or undertaking activities  
7           pursuant to section 1115(c), so that each school  
8           can make adequate yearly progress toward  
9           meeting the challenging State student perform-  
10          ance standards;

11          “(F) use the disaggregated results of the  
12          student assessments required under section  
13          1111(b)(4), and other measures or indicators  
14          available to the agency, to review annually the  
15          progress of each school served by the agency  
16          and receiving funds under this title to deter-  
17          mine whether or not all schools are making the  
18          annual progress necessary to ensure that all  
19          students will meet the proficient level of per-  
20          formance on the assessments described in sec-  
21          tion 1111(b)(4) within 10 years of the date of  
22          enactment of the Public Education Reinvest-  
23          ment, Reinvention, and Responsibility Act;

24          “(G) set and hold schools served by the  
25          local educational agency accountable for meet-

1 ing annual numerical goals for improving the  
2 performance of all groups of students based on  
3 the performance standards set by the State  
4 under section 1111(b)(1)(D)(ii);

5 “(H) fulfill the local educational agency’s  
6 school improvement responsibilities under sec-  
7 tion 1116, including taking corrective actions  
8 under section 1116(c)(9);

9 “(I) provide the State educational agency  
10 with—

11 “(i) an annual, up-to-date, and accu-  
12 rate list of all schools served by the local  
13 educational agency that are eligible for  
14 school improvement and corrective action;

15 “(ii) the reasons why each school de-  
16 scribed in clause (i) was identified for  
17 school improvement or corrective action;  
18 and

19 “(iii) the specific plans for improving  
20 student performance in each of the schools  
21 described in clause (i), including the spe-  
22 cific numerical achievement goals for the  
23 succeeding 2 school years, for each group  
24 of students specified in section

1           1111(b)(2)(B)(iv) enrolled in each such  
2           school;

3           “(J) provide services to eligible children at-  
4           tending private elementary schools and sec-  
5           ondary schools in accordance with section 1120,  
6           and provide timely and meaningful consultation  
7           with private school officials regarding such serv-  
8           ices;

9           “(K) take into account the experience of  
10          model programs for the educationally disadvan-  
11          taged and the findings of relevant scientifically  
12          based research when developing technical assist-  
13          ance plans for, and delivering technical assist-  
14          ance to, schools served by the local educational  
15          agency that are receiving funds under this part  
16          and are in school improvement or corrective ac-  
17          tion;

18          “(L) in the case of a local educational  
19          agency that chooses to use funds under this  
20          part to provide early childhood development  
21          services to low-income children below the age of  
22          compulsory school attendance, ensure that such  
23          services comply with the performance standards  
24          established under section 641A(a) of the Head  
25          Start Act;

1           “(M) comply with the requirements of sec-  
 2           tion 1119 regarding the qualifications of teach-  
 3           ers and paraprofessionals;

4           “(N) inform eligible schools served by the  
 5           local educational agency of the agency’s author-  
 6           ity to obtain waivers on such school’s behalf  
 7           under title VIII, and if the State is an Ed-Flex  
 8           Partnership State, under the Education Flexi-  
 9           bility Partnership Act of 1999; and

10          “(O) coordinate and collaborate, to the ex-  
 11          tent feasible and necessary as determined by  
 12          the local educational agency, with other agen-  
 13          cies providing services to children, youth, and  
 14          their families.

15          “(2) MODEL PROGRAMS; SCIENTIFICALLY  
 16          BASED RESEARCH.—In carrying out paragraph  
 17          (1)(K)—

18               “(A) the Secretary shall consult with the  
 19               Secretary of Health and Human Services on the  
 20               implementation of such subparagraph, and shall  
 21               establish procedures (taking into consideration  
 22               existing State and local laws and local teacher  
 23               contracts) to assist local educational agencies to  
 24               comply with such subparagraph;

1           “(B) the Secretary shall disseminate to  
 2           local educational agencies the Head Start per-  
 3           formance standards under section 641A(a) of  
 4           the Head Start Act upon such standard’s publi-  
 5           cation; and

6           “(C) local educational agencies affected by  
 7           such subparagraph shall plan for the implemen-  
 8           tation of such subparagraph (taking into con-  
 9           sideration existing State and local laws, and  
 10          local teacher contracts), including pursuing the  
 11          availability of other Federal, State, and local  
 12          funding sources to assist in compliance with  
 13          such subparagraph.

14          “(3) INAPPLICABILITY.—The provisions of this  
 15          subsection shall not apply to preschool programs  
 16          using the Even Start model or to Even Start pro-  
 17          grams.”.

18          (d) PLAN DEVELOPMENT AND DURATION.—Section  
 19          1112(d) (20 U.S.C. 6312(d)) is amended to read as fol-  
 20          lows:

21          “(d) PLAN DEVELOPMENT AND DURATION.—

22               “(1) CONSULTATION.—Each local educational  
 23          agency plan shall be developed in consultation with  
 24          teachers, principals, local school boards, administra-  
 25          tors (including administrators of programs described

1 in other parts of this title), other appropriate school  
 2 personnel, and parents of children in elementary  
 3 schools and secondary schools served under this  
 4 part.

5 “(2) DURATION.—Each plan described in para-  
 6 graph (1) shall remain in effect for the duration of  
 7 the local educational agency’s participation under  
 8 this part.

9 “(3) REVIEW.—Each local educational agency  
 10 shall periodically review, and as necessary, revise its  
 11 plan.”.

12 (e) STATE APPROVAL.—Section 1112(e) (20 U.S.C.  
 13 6312(e)) is amended to read as follows:

14 “(e) PEER REVIEW AND STATE APPROVAL.—

15 “(1) IN GENERAL.—Each local educational  
 16 agency plan shall be filed according to a schedule es-  
 17 tablished by the State educational agency.

18 “(2) APPROVAL.—The State educational agency  
 19 shall establish a peer review process to assist in the  
 20 review of local educational agency plans. The State  
 21 educational agency shall approve a local educational  
 22 agency plan only if the State educational agency de-  
 23 termines that the local educational agency plan—

24 “(A) will enable elementary schools and  
 25 secondary schools served by the local edu-

1           cational agency and under this part to help all  
2           groups of students specified in section  
3           1111(b)(1) meet or exceed the proficient level  
4           of performance on the assessments required  
5           under section 1111(b)(4) within 10 years of the  
6           date of enactment of the Public Education Re-  
7           investment, Reinvention, and Responsibility  
8           Act; and

9           “(B) meets each of the requirements of  
10          this section.

11          “(3) STATE REVIEW.—Each State educational  
12          agency shall at least annually review each local agen-  
13          cy plan approved under this subsection against the  
14          results of the disaggregated assessments required  
15          under section 1111(b)(4) for each local educational  
16          agency to ensure that the progress of all students in  
17          schools served by each local educational agency  
18          under this part is adequate to ensure that all stu-  
19          dents in the State will meet or exceed the proficient  
20          standard level of performance on assessments within  
21          10 years of the date of enactment of the Public Edu-  
22          cation Reinvestment, Reinvention, and Responsibility  
23          Act.

1           “(4) PUBLIC REVIEW.—Each State educational  
2           agency will make publicly available each local edu-  
3           cational agency plan.”.

4           (f) PARENTAL NOTIFICATION FOR ENGLISH LAN-  
5           GUAGE INSTRUCTION.—Section 1112 (20 U.S.C. 6312) is  
6           amended by adding at the end the following:

7           “(g) PARENTAL NOTIFICATION AND CONSENT FOR  
8           ENGLISH LANGUAGE INSTRUCTION.—

9           “(1) NOTIFICATION.—If a local educational  
10          agency uses funds under this part to provide English  
11          language instruction to limited English proficient  
12          students, the local educational agency shall inform a  
13          parent or the parents of a child participating in an  
14          English language assistance educational program as-  
15          sisted under this part of—

16               “(A) the reasons for the identification of  
17               the child as being in need of English language  
18               instruction;

19               “(B) the child’s level of English pro-  
20               ficiency, how such level was assessed, and the  
21               status of the child’s academic achievement;

22               “(C) how the English language assistance  
23               educational program will specifically help the  
24               child learn English and meet age-appropriate  
25               standards for grade promotion and graduation;

1           “(D) the specific exit requirements of the  
2           English language assistance educational pro-  
3           gram;

4           “(E) the expected rate of graduation from  
5           the English language assistance educational  
6           program into mainstream classes; and

7           “(F) the expected rate of graduation from  
8           secondary school if funds under this part are  
9           used for children in secondary schools.

10          “(2) CONSENT; PARENTAL RIGHTS.—

11           “(A) IN GENERAL.—A parent or the par-  
12           ents of a child participating in an English lan-  
13           guage assistance educational program under  
14           this part shall—

15           “(i) have the option of selecting  
16           among methods of instruction, if more  
17           than one method is offered in the program;  
18           and

19           “(ii) have the right to have their child  
20           immediately removed from the program  
21           upon their request.

22           “(B) RECEIPT OF INFORMATION.—A par-  
23           ent or the parents of a child identified for par-  
24           ticipation in an English language assistance  
25           educational program under this part shall re-

ceive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

“(i) timely information about English language assistance educational programs for limited English proficient children assisted under this part; and

“(ii) if a parent of a participating child so desires, notice of opportunities for regular meetings of parents of limited English proficient children participating in English language assistance educational programs under this part for the purpose of formulating and responding to recommendations from such parents.

“(3) BASIS FOR ADMISSION OR EXCLUSION.—

No student shall be admitted to or excluded from any federally assisted education program solely on the basis of a surname or language minority status.”.

## **SEC. 107. SCHOOLWIDE PROGRAMS.**

(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

Section 1114(a) (20 U.S.C. 6314(a)) is amended—

1           (1) in paragraph (1), by striking “school de-  
 2       scribed in subparagraph (A)” and all that follows  
 3       through “such families.” the second place it appears  
 4       and inserting “school that serves an eligible school  
 5       attendance area in which—

6                     “(A) not less than 40 percent of the chil-  
 7       dren are from low-income families; or

8                     “(B) not less than 40 percent of the chil-  
 9       dren enrolled in the school are from such fami-  
 10      lies.”; and

11           (2) in paragraph (2)—

12                     (A) in subparagraph (A), by striking “sub-  
 13       sections (c)(1) and (e) of”; and

14                     (B) in subparagraph (B), by striking “sub-  
 15       sections (c)(1) and (e) of”.

16       (b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

17   Section 1114(b) (20 U.S.C. 6314(b)) is amended—

18           (1) in paragraph (1)—

19                     (A) in subparagraph (A), by striking “sec-  
 20       tion 1111(b)(1)” and inserting “section  
 21       1111(b)”;

22                     (B) in subparagraph (B)—

23                     (i) in clause (i), by striking “section  
 24       1111(b)(1)(D)” and inserting “1111(b)”;

- 1 (ii) in clause (iii)(II), by inserting
- 2 “and” after the semicolon;
- 3 (iii) in clause (iv)(II), by striking “;
- 4 and” and inserting a period; and
- 5 (iv) by striking clause (vii); and
- 6 (C) in subparagraph (G), by striking “sec-
- 7 tion 1112(b)(1)” and inserting “section 1112”;
- 8 and
- 9 (2) in paragraph (2)—
- 10 (A) in subparagraph (A)—
- 11 (i) by striking “Improving America’s
- 12 Schools Act of 1994” and inserting “Pub-
- 13 lic Education Reinvestment, Reinvention,
- 14 and Responsibility Act”;
- 15 (ii) by striking “subsections (c)(1)
- 16 and (e) of”; and
- 17 (iii) in clause (iv), by striking “section
- 18 1111(b)(3)” and inserting “section
- 19 1111(b)(4)”;
- 20 (B) in subparagraph (B), by striking
- 21 “paragraphs (1) and (3) of section 1111(b)”
- 22 and inserting “paragraphs (1) and (4) of sec-
- 23 tion 1111(b)”;
- 24 (C) in subparagraph (C)(i)—

1 (i) in subclause (I), by striking “sub-  
 2 sections (c) and (e) of”; and

3 (ii) in subclause (II), by striking “Im-  
 4 proving America’s Schools Act of 1994”  
 5 and inserting “Public Education Reinvest-  
 6 ment, Reinvention, and Responsibility  
 7 Act”.

8 **SEC. 108. SCHOOL CHOICE.**

9 Section 1115A (20 U.S.C. 6316) is amended to read  
 10 as follows:

11 **“SEC. 1115A. SCHOOL CHOICE.**

12 “(a) CHOICE PROGRAMS.—A local educational agen-  
 13 cy may use funds under this part, in combination with  
 14 State, local, and private funds, to develop and implement  
 15 public school choice programs, for children eligible for as-  
 16 sistance under this part, that permit parents to select the  
 17 public school that their child will attend and are consistent  
 18 with State and local law, policy, and practice related to  
 19 public school choice and local pupil transfer.

20 “(b) CHOICE PLAN.—A local educational agency that  
 21 chooses to implement a public school choice program  
 22 under this section shall first develop a plan that—

23 “(1) contains an assurance that all eligible stu-  
 24 dents across grade levels served under this part will  
 25 have equal access to the program;

1           “(2) contains an assurance that the program  
2           does not include elementary schools or secondary  
3           schools that follow a racially discriminatory policy;

4           “(3) describes how elementary schools or sec-  
5           ondary schools will use resources under this part,  
6           and from other sources, to implement the plan;

7           “(4) contains an assurance that the plan will be  
8           developed with the involvement of parents and others  
9           in the community to be served, and individuals who  
10          will carry out the plan, including administrators,  
11          teachers, principals, and other staff;

12          “(5) contains an assurance that parents of eli-  
13          gible students served by the local educational agency  
14          will be given prompt notice of the existence of the  
15          public school choice program, the program’s avail-  
16          ability to such parents, and a clear explanation of  
17          how the program will operate;

18          “(6) contains an assurance that the public  
19          school choice program—

20                 “(A) shall include charter schools and any  
21                 other public elementary school and secondary  
22                 school; and

23                 “(B) shall not include as a ‘receiving  
24                 school’ an elementary school or a secondary  
25                 school that—

1                   “(i) is or has been identified as a  
2                   school in, or eligible for, school improve-  
3                   ment or corrective action;

4                   “(ii) has been in school improvement  
5                   or corrective action within the last 2 con-  
6                   secutive academic years; or

7                   “(iii) is at risk of being eligible for  
8                   school improvement within the next school  
9                   year;

10                  “(7) contains an assurance that transportation  
11                  services or the costs of transportation to and from  
12                  the public school choice program—

13                         “(A) may be provided by the local edu-  
14                         cational agency with funds under this part and  
15                         from other sources; and

16                         “(B) shall not be provided from funds  
17                         made available under this part to the local edu-  
18                         cational agency that exceed 10 percent of such  
19                         funds; and

20                  “(8) contains an assurance that such local edu-  
21                  cational agency will comply with the other require-  
22                  ments of this part.”.

1 **SEC. 109. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY**  
 2 **AND SCHOOL IMPROVEMENT.**

3 (a) LOCAL REVIEW.—Section 1116(a) (20 U.S.C.  
 4 6317(a)) is amended—

5 (1) in paragraph (2), by striking  
 6 “1111(b)(2)(A)(i)” and inserting “1111(b)(2)(B”;

7 (2) in paragraph (3)—

8 (A) by striking “individual school perform-  
 9 ance profiles” and inserting “school report  
 10 cards”;

11 (B) by striking “1111(b)(3)(I)” and in-  
 12 serting “1111(b)(4)(I)”;

13 (C) by striking “and” after the semicolon;

14 (3) in paragraph (4), by striking the period and  
 15 inserting “; and”;

16 (4) by adding at the end the following:

17 “(5) review the effectiveness of the actions and  
 18 activities the schools are carrying out under this  
 19 part with respect to parental involvement assisted  
 20 under this Act.”.

21 (b) SCHOOL IMPROVEMENT.—Section 1116(c) (20  
 22 U.S.C. 6317(c)) is amended to read as follows:

23 “(c) SCHOOL IMPROVEMENT.—

24 “(1) IN GENERAL.—A local educational agency  
 25 shall identify for school improvement any elementary

1 school or secondary school served under this part  
2 that—

3 “(A) for 2 consecutive years failed to make  
4 adequate yearly progress as defined in the  
5 State’s plan under section 1111(b)(2); or

6 “(B) was in, or was eligible for, school im-  
7 provement status under this section on the day  
8 preceding the date of the enactment of the Pub-  
9 lic Education Reinvestment, Reinvention, and  
10 Responsibility Act.

11 “(2) TRANSITION.—The 2-year period described  
12 in paragraph (1)(A) shall include any continuous pe-  
13 riod of time immediately preceding the date of the  
14 enactment of the Public Education Reinvestment,  
15 Reinvention, and Responsibility Act during which an  
16 elementary school or a secondary school did not  
17 make adequate yearly progress as defined in the  
18 State’s plan, as such plan was in effect on the day  
19 preceding the date of enactment of the Public Edu-  
20 cation Reinvestment, Reinvention and Responsibility  
21 Act.

22 “(3) TARGETED ASSISTANCE SCHOOLS.—To de-  
23 termine if an elementary school or a secondary  
24 school that is conducting a targeted assistance pro-  
25 gram under section 1115 should be identified as in

1       need of improvement under this subsection, a local  
2       educational agency may choose to review the  
3       progress of only those students in such school who  
4       are served, or are eligible for services, under this  
5       part.

6               “(4) OPPORTUNITY TO REVIEW AND PRESENT  
7       EVIDENCE.—(A) Before identifying an elementary  
8       school or a secondary school for school improvement  
9       under paragraph (1), the local educational agency  
10      shall provide the school with an opportunity to re-  
11      view the school level data, including assessment  
12      data, on which the proposed identification is based.

13              “(B) If the principal of a school proposed for  
14      identification as in need of school improvement be-  
15      lieves that the proposed identification is in error for  
16      statistical or other substantive reasons, the principal  
17      may provide supporting evidence to the local edu-  
18      cational agency, which the agency shall consider be-  
19      fore making a final determination.

20              “(5) TIME LIMITS.—Not later than 30 days  
21      after a local educational agency makes its initial de-  
22      termination that a school served by the agency and  
23      receiving assistance under this part is eligible for  
24      school improvement, the local educational agency

1 shall make public a final determination on the status  
2 of the school.

3 “(6) NOTIFICATION TO PARENTS.—A local edu-  
4 cational agency shall, in an easily understandable  
5 format, and in the 3 languages, other than English,  
6 spoken by the greatest number of individuals in the  
7 area served by the local educational agency, provide  
8 in writing to parents of each student in an elemen-  
9 tary school or a secondary school identified for  
10 school improvement—

11 “(A) an explanation of what the school im-  
12 provement identification means, and how the  
13 school identified for improvement compares in  
14 terms of academic performance to other elemen-  
15 tary schools or secondary schools served by the  
16 local educational agency and the State edu-  
17 cational agency;

18 “(B) the reasons for such identification;

19 “(C) the data on which such identification  
20 was based;

21 “(D) an explanation of what the school  
22 identified for improvement is doing to address  
23 the problem of low achievement;

24 “(E) an explanation of what the local edu-  
25 cational agency or State educational agency is

1 doing to help the school address its achievement  
2 problems, including the amounts and types of  
3 professional development being provided to the  
4 instructional staff in such school, the amount of  
5 any financial assistance being provided by the  
6 State educational agency under section 1003,  
7 and the activities that are being provided with  
8 such financial assistance;

9 “(F) an explanation of how parents de-  
10 scribed in this paragraph can become involved  
11 in addressing the academic issues that caused  
12 the school to be identified as in need of im-  
13 provement; and

14 “(G) an explanation of the right of par-  
15 ents, pursuant to paragraph (7), to transfer  
16 their child to a higher performing public school,  
17 including a public charter school or magnet  
18 school, that is not in school improvement, and  
19 how such transfer shall operate.

20 “(7) PUBLIC SCHOOL CHOICE OPTION.—

21 “(A) SCHOOLS IN CORRECTIVE ACTION.—

22 “(i) SCHOOLS IN CORRECTIVE ACTION  
23 ON OR BEFORE DATE OF ENACTMENT.—In  
24 the case of a school identified for corrective  
25 action on or before the date of enactment

1 of the Public Education Reinvestment, Re-  
2 invention, and Responsibility Act, a local  
3 educational agency shall not later than 18  
4 months after such date of enactment pro-  
5 vide all students enrolled in the school an  
6 option to transfer (consistent with State  
7 and local law, policy, and practices related  
8 to public school choice and local pupil  
9 transfer) to any other higher performing  
10 public school, including a public charter or  
11 magnet school, that—

12 “(I) has not been identified for  
13 school improvement or corrective ac-  
14 tion;

15 “(II) is not at risk of being iden-  
16 tified for school improvement or cor-  
17 rective action within the succeeding  
18 academic year; and

19 “(III) has not been in corrective  
20 action at any time during the 2 pre-  
21 ceding academic years.

22 “(ii) SCHOOLS IDENTIFIED AFTER  
23 DATE OF ENACTMENT.—In the case of a  
24 school identified for corrective action after  
25 the date of enactment of the Public Edu-

1 cation Reinvestment, Reinvention, and Re-  
2 sponsibility Act, a local educational agency  
3 shall not later than 12 months after the  
4 date on which a local educational agency  
5 identifies the school for corrective action  
6 provide all students enrolled in the school  
7 with the transfer option described in clause  
8 (i).

9 “(B) COOPERATIVE AGREEMENT.—If all  
10 public schools served by the local educational  
11 agency to which a child may transfer under  
12 clause (i) are identified for corrective action,  
13 the local educational agency shall, to the extent  
14 practicable, establish a cooperative agreement  
15 with other local educational agencies that serve  
16 geographic areas in proximity to the geographic  
17 area served by the local educational agency, to  
18 enable a child to transfer (consistent with State  
19 and local law, policy, and practices related to  
20 public school choice and local pupil transfer) to  
21 a school served by such other local educational  
22 agencies that meets the requirements described  
23 in subparagraph (A)(i).

24 “(C) TRANSPORTATION.—A local edu-  
25 cational agency that serves a school that has

1           been identified for corrective action shall pro-  
2           vide transportation services or the costs of such  
3           services for children of parents who choose to  
4           transfer their children pursuant to this para-  
5           graph to a different school. Not more than 10  
6           percent of the funds allocated to a local edu-  
7           cational agency under this part may be used to  
8           provide such transportation services or costs of  
9           such services.

10           “(D) CONTINUATION OPTION.—Once a  
11           school is no longer identified for or in corrective  
12           action, the local educational agency shall con-  
13           tinue to provide public school choice as an op-  
14           tion to students in such schools for a period of  
15           not less than 2 years.

16           “(8) SCHOOL PLAN.—(A) Each school identified  
17           under paragraph (1) for school improvement shall,  
18           after being so identified, develop or revise a school  
19           plan, in consultation with parents, school staff, the  
20           local educational agency serving the school, the local  
21           school board, and other outside experts, for approval  
22           by such local educational agency. The school plan  
23           shall—

24           “(i) incorporate scientifically based re-  
25           search strategies that strengthen the core aca-

1       demic programs in the school and address the  
2       specific academic issues that caused the school  
3       to be identified for school improvement;

4               “(ii) adopt policies and practices in the  
5       school’s core academic program that have the  
6       greatest likelihood of ensuring that all groups  
7       of students specified in section  
8       1111(b)(2)(B)(iv) enrolled in the school will  
9       meet or exceed the State’s proficient level of  
10      performance on the assessment required in sec-  
11      tion 1111(b)(4) within 10 years of the date of  
12      enactment of the Public Education Reinvest-  
13      ment, Reinvention, and Responsibility Act;

14              “(iii) assure that the school will reserve  
15      not less than 10 percent of the funds made  
16      available to it under this part for each fiscal  
17      year that the school is in school improvement  
18      for the purpose of providing the school’s teach-  
19      ers and principal high quality professional de-  
20      velopment that—

21                      “(I) directly addresses the academic  
22                      achievement problem that caused the  
23                      school to be identified for school improve-  
24                      ment; and

1 “(II) meets the requirements for pro-  
2 fessional development activities under sec-  
3 tion 1119;

4 “(iv) specify how the funds described in  
5 clause (iii) will be used to remove the school  
6 from school improvement status;

7 “(v) establish specific annual, numerical  
8 progress goals for each group of students speci-  
9 fied in section 1111(b)(2)(B)(iv) enrolled in the  
10 school that will ensure that all such groups of  
11 students meet or exceed the State’s proficient  
12 standard level of performance within 10 years  
13 of the date of enactment of the Public Edu-  
14 cation Reinvestment, Reinvention, and Respon-  
15 sibility Act;

16 “(vi) identify how the school will provide  
17 written notification to parents of each child en-  
18 rolled in such school, in a format and, to the  
19 extent practicable, in a language such parents  
20 can understand; and

21 “(vii) specify the responsibilities of the  
22 school, the local educational agency, and the  
23 State educational agency serving such school  
24 under the plan.

1           “(B) The local educational agency described in  
2           subparagraph (A)(vi) may condition approval of a  
3           school plan on inclusion of 1 or more of the correc-  
4           tive actions specified in paragraph (10)(C).

5           “(C) A school shall implement the school plan  
6           or revised plan expeditiously, but not later than the  
7           beginning of the school year following the school  
8           year in which the school was identified for improve-  
9           ment.

10          “(D) The local educational agency described in  
11          subparagraph (A)(vi) shall establish a peer review  
12          process to assist with review of a school improve-  
13          ment plan prepared by the school served by the local  
14          educational agency, promptly review the school plan,  
15          work with the school as necessary, and approve the  
16          school plan if the school plan meets the require-  
17          ments of this paragraph.

18          “(9) TECHNICAL ASSISTANCE.—(A) For each  
19          school identified for school improvement under para-  
20          graph (1), the local educational agency serving the  
21          school shall provide technical assistance as the  
22          school develops and implements its school plan.

23          “(B) Such technical assistance—

24                  “(i) shall include assistance in analyzing  
25                  data from the assessments required under sec-

tion 1111(b)(4), and other samples of student work, to identify and address instructional problems and solutions;

“(ii) shall include assistance in identifying and implementing scientifically based instructional strategies and methods that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement;

“(iii) shall include assistance in analyzing and revising the school’s budget such that the school resources are more effectively focused on those activities most likely to increase student achievement and to remove the school from school improvement status;

“(iv) may be provided directly by the local educational agency, through mechanisms authorized under section 1117, or with the local educational agency’s approval, by the State educational agency, an institution of higher education in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965, a private not-for-profit organization or for-profit organization, an educational service agency, the recipient of a Federal con-

1           tract or cooperative agreement as described  
2           under section 7005, or other entity with experi-  
3           ence in helping schools improve achievement.

4           “(C) Technical assistance provided under this  
5           section by a local educational agency or an entity  
6           authorized by such agency shall be based upon sci-  
7           entifically based research.

8           “(10) CORRECTIVE ACTION.—In order to help  
9           students served under this part meet challenging  
10          State standards, each local educational agency shall  
11          implement a system of corrective action in accord-  
12          ance with the following:

13               “(A) After providing technical assistance  
14               under paragraph (9) and subject to subpara-  
15               graph (F), the local educational agency—

16                       “(i) may take corrective action at any  
17                       time with respect to a school served by the  
18                       local educational agency that has been  
19                       identified under paragraph (1);

20                       “(ii) shall take corrective action with  
21                       respect to any school served by the local  
22                       educational agency that fails to make ade-  
23                       quate yearly progress, as defined by the  
24                       State under section 1111(b)(2)(B), after  
25                       the end of the second year following the

1 school year in which the school was identi-  
2 fied under paragraph (1); and

3 “(iii) shall continue to provide tech-  
4 nical assistance while instituting any cor-  
5 rective action under clause (i) or (ii).

6 “(B) As used in this paragraph, the term  
7 ‘corrective action’ means action, consistent with  
8 State and local law, that—

9 “(i) substantially and directly re-  
10 sponds to—

11 “(I) the consistent academic fail-  
12 ure of a school that caused the local  
13 educational agency to take such ac-  
14 tion; and

15 “(II) any underlying staffing,  
16 curricula, or other problem in the  
17 school; and

18 “(ii) is designed to increase substan-  
19 tially the likelihood that students enrolled  
20 in the school subject to corrective action  
21 will perform at the proficient and advanced  
22 performance levels.

23 “(C) In the case of a school described in  
24 subparagraph (A)(ii), the local educational

1           agency shall take not less than 1 of the fol-  
2           lowing corrective actions:

3                   “(i) Withhold funds from the school.

4                   “(ii) Make alternative governance ar-  
5                   rangements, including reopening the school  
6                   as a public charter school.

7                   “(iii) Reconstitute the relevant school  
8                   staff.

9                   “(iv)(I) Authorize students to transfer  
10                  to other higher performing public schools  
11                  served by the local educational agency, in-  
12                  cluding public charter and magnet schools.

13                  “(II) Provide such students transpor-  
14                  tation services, or the costs of transpor-  
15                  tation, to such schools (except that such  
16                  funds used to provide transportation serv-  
17                  ices or costs of transportation shall not ex-  
18                  ceed 10 percent of the amount authorized  
19                  under section 1122(a)(2)).

20                  “(III) Take not less than 1 additional  
21                  action described under this subparagraph.

22                  “(v) Institute and fully implement a  
23                  new curriculum, including appropriate pro-  
24                  fessional development for all relevant staff,  
25                  that is based upon scientifically based re-

1 search and offers substantial promise of  
2 improving educational achievement for low-  
3 performing students.

4 “(D) A local educational agency may delay,  
5 for a period not to exceed 1 year, implementa-  
6 tion of corrective action only if the failure to  
7 make adequate yearly progress was justified  
8 due to exceptional or uncontrollable cir-  
9 cumstances, such as a natural disaster or a pre-  
10 cipitous and unforeseen decline in the financial  
11 resources of the local educational agency or  
12 school.

13 “(E) The local educational agency shall  
14 publish and disseminate to the public and to  
15 the parents of each student enrolled in a school  
16 subject to corrective action, in a format and, to  
17 the extent practicable, in a language that the  
18 parents can understand, information regarding  
19 any corrective action the local educational agen-  
20 cy takes under this paragraph through such  
21 means as the Internet, the media, and public  
22 agencies.

23 “(F)(i) Before taking corrective action  
24 with respect to any school under this para-  
25 graph, a local educational agency shall provide

1 the school an opportunity to review the school  
2 level data, including assessment data, on which  
3 the proposed determination is made.

4 “(ii) If the school believes that the pro-  
5 posed determination is in error for statistical or  
6 other substantive reasons, the school principal  
7 may provide supporting evidence to the local  
8 educational agency, which shall consider such  
9 evidence before making a final determination.

10 “(G) TIME LIMITS.—Not later than 30  
11 days after the local educational agency makes  
12 its initial determination that a school served by  
13 the local educational agency and receiving as-  
14 sistance under this part is eligible for corrective  
15 action, the local educational agency shall make  
16 a final and public determination on the status  
17 of the school.

18 “(11) STATE EDUCATIONAL AGENCY RESPON-  
19 SIBILITIES.—If a State educational agency deter-  
20 mines that a local educational agency failed to carry  
21 out its responsibilities under this section, or deter-  
22 mines that, after 1 year of implementation of the  
23 corrective action, such action has not resulted in suf-  
24 ficient progress in increased student performance,  
25 the State educational agency shall take such action

1 as the agency finds necessary, including designating  
 2 a course of corrective action described in paragraph  
 3 (10)(C), consistent with this section, to improve the  
 4 affected schools and to ensure that the local edu-  
 5 cational agency carries out the local educational  
 6 agency's responsibilities under this section.

7 “(12) SPECIAL RULES.—Schools that, for at  
 8 least 2 of the 3 years following identification under  
 9 paragraph (1), make adequate yearly progress to-  
 10 ward meeting the State's proficient and advanced  
 11 levels of performance shall no longer be identified  
 12 for school improvement.”.

13 (c) STATE REVIEW AND LOCAL EDUCATIONAL AGEN-  
 14 CY IMPROVEMENT.—Section 1116(d) (20 U.S.C. 6317(d))  
 15 is amended to read as follows:

16 “(d) STATE REVIEW AND LOCAL EDUCATIONAL  
 17 AGENCY IMPROVEMENT.—

18 “(1) IN GENERAL.—A State educational agency  
 19 shall annually review the progress of each local edu-  
 20 cational agency within the State receiving funds  
 21 under this part to determine whether schools served  
 22 by such agencies and receiving assistance under this  
 23 part are making adequate yearly progress, as de-  
 24 fined in section 1111(b)(2), toward meeting the  
 25 State's student performance standards and to deter-

1 mine whether each local educational agency is car-  
2 rying out its responsibilities under sections 1116 and  
3 1117.

4 “(2) IDENTIFICATION OF LOCAL EDUCATIONAL  
5 AGENCY FOR IMPROVEMENT.—A State educational  
6 agency shall identify for improvement any local edu-  
7 cational agency that—

8 “(A) for 2 consecutive years fails to make  
9 adequate yearly progress as defined in the  
10 State’s plan under section 1111(b)(2); or

11 “(B) had been identified for, or was eligi-  
12 ble for, improvement under this section as this  
13 section was in effect on the day preceding the  
14 date of enactment of the Public Education Re-  
15 investment, Reinvention, and Responsibility  
16 Act.

17 “(3) TRANSITION.—The 2-year period described  
18 in paragraph (2)(A) shall include any continuous pe-  
19 riod of time immediately preceding the date of the  
20 enactment of the Public Education Reinvestment,  
21 Reinvention, and Responsibility Act during which a  
22 local educational agency did not make adequate  
23 yearly progress as defined in the State’s plan, as  
24 such plan was in effect on the day preceding the

1 date of the enactment of the Public Education Rein-  
2 vestment, Reinvention, and Responsibility Act.

3 “(4) TARGETED ASSISTANCE SCHOOLS.—For  
4 purposes of targeted assistance schools within a local  
5 educational agency, a State educational agency may  
6 choose to review the progress of only the students in  
7 such schools who are served under this part.

8 “(5) OPPORTUNITY TO REVIEW AND PRESENT  
9 EVIDENCE.—(A) Before identifying a local edu-  
10 cational agency for improvement under paragraph  
11 (2), a State educational agency shall provide the  
12 local educational agency with an opportunity to re-  
13 view the local educational agency data, including as-  
14 sessment data, on which the proposed identification  
15 is based.

16 “(B) If the local educational agency believes  
17 that the proposed identification is in error for statis-  
18 tical or other substantive reasons, the local edu-  
19 cational agency may provide supporting evidence to  
20 the State educational agency, which the State edu-  
21 cational agency shall consider before making a final  
22 determination.

23 “(6) TIME LIMITS.—Not later than 45 days  
24 after the State educational agency makes its initial  
25 determination that a local educational agency within

1 the State and receiving assistance under this part is  
2 eligible for improvement, the State educational agen-  
3 cy shall make public a final determination on the  
4 status of the local educational agency.

5 “(7) NOTIFICATION TO PARENTS.—The State  
6 educational agency shall promptly notify parents of  
7 each student enrolled in a school served by a local  
8 educational agency identified for improvement, in a  
9 format, and to the extent practicable, in a language  
10 the parents can understand, of the reasons for such  
11 agency’s identification and how parents can partici-  
12 pate in upgrading the quality of the local edu-  
13 cational agency.

14 “(8) LOCAL EDUCATIONAL AGENCY REVI-  
15 SIONS.—

16 “(A) IN GENERAL.—Each local educational  
17 agency identified under paragraph (2) shall,  
18 after being so identified, develop or revise a  
19 local educational agency plan, in consultation  
20 with the local school board, parents, teachers,  
21 school staff, and others, for approval by the  
22 State educational agency. Such plan shall—

23 “(i) incorporate scientifically based re-  
24 search strategies that strengthen the core

1 academic program in the local educational  
2 agency;

3 “(ii) identify specific annual numerical  
4 academic achievement objectives in at least  
5 the areas of mathematics and English lan-  
6 guage arts that the local educational agen-  
7 cy will meet, with such objectives being cal-  
8 culated in a manner such that their  
9 achievement will ensure that each group of  
10 students enrolled in each school served by  
11 the local educational agency will meet or  
12 exceed the proficient standard level of per-  
13 formance in assessments required under  
14 section 1111(b)(4) within 10 years of the  
15 date of enactment of the Public Education  
16 Reinvestment, Reinvention, and Responsi-  
17 bility Act; and

18 “(iii) assure that the local educational  
19 agency will—

20 “(I) reserve not less than 10 per-  
21 cent of the funds made available to  
22 the local educational agency under  
23 this part for each fiscal year that the  
24 agency is in improvement for the pur-  
25 pose of providing high quality profes-

1           sional development to teachers and  
2           principals at schools served by the  
3           agency and receiving funds under this  
4           part that directly address the aca-  
5           demic achievement problem that  
6           caused the local educational agency to  
7           be identified for improvement and  
8           shall be in keeping with the definition  
9           of professional development provided  
10          in section 1119; and

11                 “(II) the improvement plan shall  
12                 specify how these funds will be used  
13                 to remove the local educational agency  
14                 from improvement status;

15                 “(iv) identify how the local edu-  
16                 cational agency will provide written notifi-  
17                 cation to parents described in paragraph  
18                 (7) in a format, and to the extent prac-  
19                 ticable in a language, that the parents can  
20                 understand, pursuant to paragraph (7);

21                 “(v) specify the responsibilities of the  
22                 State educational agency and the local edu-  
23                 cational agency under the plan; and

24                 “(vi) include a review of the local edu-  
25                 cational agency budget to ensure that re-

1 sources are focused on those activities that  
2 are most likely to improve student achieve-  
3 ment and to remove the agency from im-  
4 provement status.

5 “(B) PEER REVIEW.—The State edu-  
6 cational agency shall establish a peer review  
7 process to assist with the review of the local  
8 educational agency improvement plan, promptly  
9 review the plan, work with the local educational  
10 agency as necessary, and approve the plan if  
11 the plan meets the requirements of this para-  
12 graph.

13 “(C) DEADLINE FOR IMPLEMENTATION.—  
14 The local educational agency shall implement  
15 the local educational agency plan or revised  
16 plan expeditiously, but not later than the begin-  
17 ning of the school year following the school year  
18 in which the agency was identified for improve-  
19 ment.

20 “(D) RESOURCES REALLOCATION.—If the  
21 local educational agency budget fails to allocate  
22 resources, consistent with, subparagraph  
23 (A)(iv), the State educational agency may direct  
24 the local educational agency to reallocate re-  
25 sources to more effective activities.

1           “(9) STATE EDUCATIONAL AGENCY RESPONSIBILITY.—For each local educational agency identified under paragraph (2), the State educational agency shall provide technical or other assistance, if requested, as authorized under section 1117, to better enable the local educational agency—

7                   “(A) to develop and implement the local educational agency plan or revised plan as approved by the State educational agency consistent with the requirements of this section; and

12                   “(B) to work with schools served by the local educational agency that are identified for improvement.

15           “(10) TECHNICAL ASSISTANCE.—Technical assistance provided by the State educational agency—

17                   “(A) shall include assistance in analyzing data from the assessments required under section 1111(b)(4) to identify and address instructional problems and solutions;

21                   “(B) shall include assistance in identifying and implementing scientifically based instructional strategies and methods that have proven effective in addressing the specific instructional

1 issues that caused the local educational agency  
2 to be identified for improvement;

3 “(C) shall include assistance in analyzing  
4 and revising the local educational agency’s  
5 budget such that the agency’s resources are  
6 more effectively focused on those activities most  
7 likely to increase student achievement and to  
8 remove the agency from improvement status;  
9 and

10 “(D) may be provided by—

11 “(i) the State educational agency; or

12 “(ii) with the local educational agen-  
13 cy’s approval, by an institution of higher  
14 education (in full compliance with all the  
15 reporting provisions of title II of the High-  
16 er Education Act of 1965), a private not-  
17 for-profit or for-profit organization, an  
18 educational service agency, the recipient of  
19 a Federal contract or cooperative agree-  
20 ment as described under section 7005, or  
21 any other entity with experience in helping  
22 schools improve achievement.

23 “(11) RESOURCES REALLOCATION.—The State  
24 educational agency may, as a condition of providing  
25 the local educational agency with technical assist-

1       ance and financial support in developing and car-  
2       rying out an improvement plan, require that the  
3       local educational agency reallocate resources away  
4       from ineffective or inefficient activities to activities  
5       that, through scientific research, have proven to  
6       have the greatest impact on increasing student  
7       achievement and closing the achievement gap be-  
8       tween groups of students.

9               “(12) CORRECTIVE ACTION.—In order to help  
10       students served under this part meet challenging  
11       State standards, each State educational agency shall  
12       implement a system of corrective action in accord-  
13       ance with the following:

14               “(A) After providing technical assistance  
15       under paragraph (10), and subject to subpara-  
16       graph (D), the State educational agency—

17               “(i) shall take corrective action with  
18       respect to any local educational agency  
19       that fails to make adequate yearly  
20       progress, as defined by the State, after the  
21       end of the second year following its identi-  
22       fication under paragraph (2); and

23               “(ii) shall continue to provide tech-  
24       nical assistance while instituting any cor-  
25       rective action under clause (i) or (ii).

1           “(B) As used in this paragraph, the term  
2           ‘corrective action’ means action, consistent with  
3           State law, that—

4                   “(i) substantially and directly re-  
5                   sponds to—

6                           “(I) the consistent academic fail-  
7                           ure of schools served by a local edu-  
8                           cational agency that caused the State  
9                           educational agency to take such action  
10                          with respect to the local educational  
11                          agency; and

12                           “(II) any underlying staffing,  
13                           curricular, or other problem in the  
14                           schools served by the local educational  
15                           agency; and

16                          “(ii) is designed to meet the goal of  
17                          having all students served under this part  
18                          perform at the proficient and advanced  
19                          performance levels.

20           “(C) In the case of a local educational  
21           agency described in subparagraph (A)(ii), the  
22           State educational agency shall take not less  
23           than 1 of the following corrective actions:

24                          “(i) Withhold funds from the local  
25                          educational agency.

1           “(ii) Reconstitute the relevant local  
2 educational agency personnel.

3           “(iii) Remove particular schools from  
4 the area served by the local educational  
5 agency, and establish alternative arrange-  
6 ments for public governance and super-  
7 vision of such schools.

8           “(iv) Appoint, through the State edu-  
9 cational agency, a receiver or trustee to ad-  
10 minister the affairs of the local educational  
11 agency in place of the local educational  
12 agency’s superintendent and school board.

13           “(v) Abolish or restructure the local  
14 educational agency.

15           “(vi)(I) Authorize students to transfer  
16 from a school operated by the local edu-  
17 cational agency to a higher performing  
18 public school, including a public charter or  
19 magnet school, operated by another local  
20 educational agency.

21           “(II) Provide students described in  
22 subclause (I) transportation services, or  
23 the costs of transportation, not to exceed  
24 10 percent of the funds allocated to a local  
25 educational agency under this part, to such

1 higher performing schools or public charter  
2 schools.

3 “(III) Take not less than 1 additional  
4 action described under this subparagraph.

5 “(D) Prior to implementing any corrective  
6 action, the State educational agency shall pro-  
7 vide notice and a opportunity for a hearing to  
8 the affected local educational agency, if State  
9 law provides for such notice and opportunity.

10 “(E) Not later than 45 days after the  
11 State educational agency makes its initial deter-  
12 mination that a local educational agency in the  
13 State and receiving assistance under this part is  
14 eligible for improvement, the State educational  
15 agency shall make public a final determination  
16 on the status of the local educational agency.

17 “(F) The State educational agency shall  
18 publish and disseminate to parents described in  
19 paragraph (7) and the public information re-  
20 garding any corrective action the State edu-  
21 cational agency takes under this paragraph  
22 through such means as the Internet, the media,  
23 and public agencies.

24 “(G) The State educational agency may  
25 delay, for a period not to exceed 1 year, imple-

1           mentation of corrective action if the local edu-  
 2           cational agency’s failure to make adequate year-  
 3           ly progress was justified due to exceptional or  
 4           uncontrollable circumstances, such as a natural  
 5           disaster or a precipitous and unforeseen decline  
 6           in the financial resources of the local edu-  
 7           cational agency or schools served by the local  
 8           educational agency.”.

9   **SEC. 110. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**  
 10                   **IMPROVEMENT.**

11       Section 1117 (20 U.S.C. 6318) is amended to read  
 12 as follows:

13   **“SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**  
 14                   **IMPROVEMENT.**

15       “(a) SYSTEM FOR SUPPORT.—Using funds allocated  
 16 under section 1003(a)(1), each State educational agency  
 17 shall establish a statewide system of intensive and sus-  
 18 tained support and improvement for local educational  
 19 agencies, elementary schools, and secondary schools re-  
 20 ceiving funds under this part, in order to ensure that all  
 21 groups of students specified in section 1111 and attending  
 22 such schools meet or exceed the proficient standard level  
 23 performance on the assessments required by section  
 24 1111(b)(4) within 10 years of the date of enactment of

1 the Public Education Reinvestment, Reinvention, and Re-  
 2 sponsibility Act.

3 “(b) PRIORITIES.—In carrying out this section, a  
 4 State educational agency shall—

5 “(1) first, provide support and assistance to  
 6 local educational agencies and schools identified as  
 7 in need of improvement under section 1116;

8 “(2) second, provide support and assistance to  
 9 local educational agencies subject to corrective action  
 10 under section 1116, and assist elementary schools  
 11 and secondary schools, in accordance with section  
 12 1116(c)(11), for which a local educational agency  
 13 has failed to carry out its responsibilities under sec-  
 14 tion 1116(c) (9) and (10); and

15 “(3) third, provide support and assistance to  
 16 local educational agencies and schools that are at  
 17 risk of being identified as being in need of improve-  
 18 ment within the next academic year, participating  
 19 under this part.

20 “(c) APPROACHES.—In order to achieve the purpose  
 21 described in subsection (a), each statewide system shall  
 22 provide technical assistance and support through ap-  
 23 proaches such as—

24 “(1) school support teams, composed of individ-  
 25 uals who are knowledgeable about scientifically

1 based research, teaching and learning practices, and  
 2 particularly about strategies for improving edu-  
 3 cational results for low-achieving children; and

4 “(2) designating and using Distinguished Edu-  
 5 cators, who are chosen from schools served under  
 6 this part that have been especially successful in im-  
 7 proving academic achievement.

8 “(d) FUNDS.—Each State educational agency—

9 “(1) shall use funds reserved under section  
 10 1003(a)(1), but not used under section 1003(a)(2),  
 11 to carry out this section; and

12 “(2) may use State administrative funds au-  
 13 thorized under section 1703(c) to carry out this sec-  
 14 tion.

15 “(e) ALTERNATIVES.—The State educational agency  
 16 may—

17 “(1) devise additional approaches to providing  
 18 the technical assistance and support described in  
 19 subsection (c), such as providing assistance through  
 20 institutions of higher education, educational service  
 21 agencies, or other local consortia; and

22 “(2) seek approval from the Secretary to use  
 23 funds under section 1003(a)(2) for such approaches  
 24 as part of the State plan.”.

1 **SEC. 111. PARENTAL INVOLVEMENT CHANGES.**

2 (a) LOCAL EDUCATIONAL AGENCY POLICY.—Section  
3 1118(a) (20 U.S.C. 6319(a)) is amended—

4 (1) in paragraph (1), by striking “programs,  
5 activities, and procedures” and inserting “activities  
6 and procedures”;

7 (2) in paragraph (2), by striking subparagraphs  
8 (E) and (F) and inserting the following:

9 “(E) conduct, with the involvement of par-  
10 ents, an annual evaluation of the content and  
11 effectiveness of the parental involvement policy  
12 in improving the academic quality of the schools  
13 served under this part;

14 “(F) involve parents in the activities of the  
15 schools served under this part; and

16 “(G) promote consumer friendly environ-  
17 ments within the local educational agency and  
18 schools served under this part.”;

19 (3) in paragraph (3), by adding at the end the  
20 following new subparagraph:

21 “(C) Not less than 90 percent of the funds re-  
22 served under subparagraph (A) shall be distributed  
23 to schools served under this part.”.

24 (b) NOTICE.—Section 1118(b)(1) (20 U.S.C.  
25 6319(b)(1)) is amended by inserting after the first sen-  
26 tence “Parents shall be notified of the policy in a format,

1 and to the extent practicable in a language, that the par-  
 2 ents can understand.”.

3 (c) PARENTAL INVOLVEMENT.—Section 1118(c)(4)  
 4 (20 U.S.C. 6319(c)(4)) is amended—

5 (1) in subparagraph (B), by striking “school  
 6 performance profiles required under section  
 7 1116(a)(3)” and inserting “school reports described  
 8 under section 4401”;

9 (2) by redesignating subparagraphs (D) and  
 10 (E) as subparagraphs (F) and (G), respectively;

11 (3) by inserting after subparagraph (C) the fol-  
 12 lowing:

13 “(D) notice of the school’s designation as  
 14 a school in need of improvement under section  
 15 1116(b), if applicable, and a clear explanation  
 16 of what such designation means;

17 “(E) notice of corrective action taken  
 18 against the school under section 1116(c)(9) and  
 19 1116(d)(12), if applicable, and a clear expla-  
 20 nation of what such action means;”; and

21 (4) in subparagraph (G) (as redesignated by  
 22 paragraph (2)), by striking “subparagraph (D)” and  
 23 inserting “subparagraph (F)”.

24 (d) BUILDING CAPACITY FOR INVOLVEMENT.—Sec-  
 25 tion 1118(e) (20 U.S.C 6319(e)) is amended—

1           (1) in paragraph (1), by striking “National  
2       Educational Goals,”;

3           (2) by redesignating paragraphs (14) and (15)  
4       as paragraphs (16) and (17), respectively;

5           (3) by inserting after paragraph (13) the fol-  
6       lowing:

7           “(14) may establish a district wide parent advi-  
8       sory council to advise on all matters related to pa-  
9       rental involvement in programs supported under this  
10      part;”; and

11          (4) by redesignating paragraph (5) as para-  
12      graph (15) and transferring such paragraph to fol-  
13      low paragraph 14 (as redesignated by paragraph  
14      (3));

15          (5) by inserting after paragraph (4) the fol-  
16      lowing:

17          “(5) shall expand the use of electronic commu-  
18      nications among teachers, students, and parents,  
19      such as through the use of websites and e-mail com-  
20      munications;”;

21          (6) in paragraph (8), by inserting “, to the ex-  
22      tent practicable, in a language and format the par-  
23      ent can understand” before the semicolon; and

24          (7) in paragraph (15) (as redesignated by para-  
25      graph (4)), by striking “shall” and inserting “may”.

1 (e) ACCESSIBILITY.—Section 1118(f) (20 U.S.C.  
 2 6319(f)) is amended by striking “, including” and all that  
 3 follows through the period and inserting “and of parents  
 4 of migratory children, including providing information and  
 5 school reports required under section 1111 and described  
 6 in section 4401 in a language and form such parents un-  
 7 derstand.”.

8 **SEC. 112. QUALIFICATIONS FOR TEACHERS AND PARA-**  
 9 **PROFESSIONALS.**

10 Title I of the Act (20 U.S.C. 6301 et seq.) is  
 11 amended—

12 (1) by redesignating section 1119 (20 U.S.C.  
 13 6320) as section 1119A; and

14 (2) by inserting after section 1118 the fol-  
 15 lowing:

16 **“SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARA-**  
 17 **PROFESSIONALS.**

18 “(a) IN GENERAL.—

19 “(1) PLAN.—Each State educational agency re-  
 20 ceiving assistance under this part shall develop and  
 21 submit to the Secretary a plan to ensure that all  
 22 teachers teaching within the State are fully quali-  
 23 fied, as defined in section 2001(1), not later than  
 24 December 31, 2005. Such plan shall include an as-  
 25 surance that the State educational agency will re-

1       quire each local educational agency and school re-  
 2       ceiving funds under this part publicly to report the  
 3       annual progress with respect to the local educational  
 4       agency's and school's performance in increasing the  
 5       percentage of classes in core academic areas taught  
 6       by fully qualified teachers.

7               “(2) SPECIAL RULE.—Notwithstanding any  
 8       other provision of law, the provisions of this section  
 9       governing teacher qualifications shall not supersede  
 10      State laws governing public charter schools.

11       “(b) NEW PARAPROFESSIONALS.—Each local edu-  
 12      cational agency receiving assistance under this part shall  
 13      ensure that each paraprofessional hired after December  
 14      31, 2003, and working in a program assisted under this  
 15      part—

16               “(1) has completed at least the number of  
 17      courses at an institution of higher education in the  
 18      area of elementary education, or in the related sub-  
 19      ject area in which the paraprofessional is working,  
 20      for a minor degree at such institution;

21               “(2) has obtained an associate's (or higher) de-  
 22      gree; or

23               “(3) has met a rigorous standard of quality  
 24      that demonstrates, through formal State certifi-  
 25      cation (as established in subsection (h)),—

1           “(A) knowledge of, and the ability to pro-  
 2           vide tutorial assistance in, reading, writing, and  
 3           mathematics; or

4           “(B) knowledge of, and the ability to pro-  
 5           vide tutorial assistance in, reading readiness,  
 6           writing readiness, and mathematics readiness,  
 7           as appropriate.

8           “(c) EXISTING PARAPROFESSIONALS.—Each local  
 9           educational agency receiving assistance under this part  
 10          shall ensure that each paraprofessional working in a pro-  
 11          gram assisted under this part shall, not later than 3 years  
 12          after the date of enactment of the Public Education Rein-  
 13          vestment, Reinvention, and Responsibility Act, satisfy the  
 14          requirements of subsection (b).

15          “(d) EXCEPTIONS FOR TRANSLATION AND PAREN-  
 16          TAL INVOLVEMENT ACTIVITIES.—Subsections (b) and (c)  
 17          shall not apply to a paraprofessional—

18               “(1) who is proficient in English and a lan-  
 19               guage other than English, and who provides services  
 20               primarily to enhance the participation of children in  
 21               programs under this part by acting as a translator;  
 22               or

23               “(2) whose duties consist solely of conducting  
 24               parental involvement activities consistent with sec-

1       tion 1118 or other school readiness activities that  
2       are noninstructional.

3       “(e) GENERAL REQUIREMENT FOR ALL PARA-  
4 PROFESSIONALS.—Each local educational agency receiving  
5 assistance under this part shall ensure that each para-  
6 professional working in a program assisted under this  
7 part, regardless of the paraprofessional’s hiring date, pos-  
8 sesses a secondary school diploma or its recognized equiva-  
9 lent.

10       “(f) DUTIES OF PARAPROFESSIONALS.—

11               “(1) IN GENERAL.—Each local educational  
12 agency receiving assistance under this part shall en-  
13 sure that a paraprofessional working in a program  
14 assisted under this part is not assigned a duty in-  
15 consistent with this subsection.

16               “(2) AUTHORIZED RESPONSIBILITIES.—A para-  
17 professional described in paragraph (1) may be  
18 assigned—

19                       “(A) to provide 1-on-1 tutoring for eligible  
20 students under this part, if the tutoring is  
21 scheduled at a time when the student would not  
22 otherwise receive instruction from a teacher;

23                       “(B) to assist with classroom management,  
24 such as organizing instructional and other ma-  
25 terials;

1           “(C) to provide assistance in a computer  
2           laboratory;

3           “(D) to conduct parental involvement ac-  
4           tivities or school readiness activities that are  
5           noninstructional;

6           “(E) to provide support in a library or  
7           media center;

8           “(F) to act as a translator; or

9           “(G) to provide assistance with extra cur-  
10          ricular activities which are noninstructional.

11          “(3) LIMITATIONS.—A paraprofessional de-  
12          scribed in paragraph (1)—

13               “(A) shall not perform the duties of a cer-  
14               tified teacher or a substitute; and

15               “(B) shall not perform any duty assigned  
16               under paragraph (2) unless under the direct su-  
17               pervision of a fully qualified teacher or other  
18               appropriate professional.

19          “(g) USES OF FUNDS.—

20               “(1) PROFESSIONAL DEVELOPMENT.—Notwith-  
21               standing subsection (h)(2), a local educational agen-  
22               cy receiving funds under this part may use such  
23               funds to support ongoing training and professional  
24               development to assist teachers and paraprofessionals  
25               in satisfying the requirements of this section.

1           “(2) LIMITATION ON USE OF FUNDS FOR PARA-  
2       PROFESSIONALS.—

3           “(A) IN GENERAL.—Beginning on the date  
4       of enactment of the Public Education Reinvest-  
5       ment, Reinvention, and Responsibility Act, a  
6       local educational agency may not use funds re-  
7       ceived under this part to fund any paraprofes-  
8       sional hired after such date unless—

9           “(i) the hiring is to fill a vacancy cre-  
10      ated by the departure of another para-  
11      professional funded under this part; or

12          “(ii) the local educational agency can  
13      demonstrate that a significant influx of  
14      population has substantially increased stu-  
15      dent enrollment, or demonstrate an in-  
16      creased need for translators or assistance  
17      with parent involvement activities.

18          “(B) EXCEPTION.—Subparagraph (A)  
19      shall not apply to a local educational agency  
20      that can demonstrate to the State that all core  
21      classes taught in the schools served by the local  
22      educational agency are taught by fully qualified  
23      teachers.

1       “(h) STATE CERTIFICATION.—Each State edu-  
 2 cational agency receiving assistance under this part  
 3 shall—

4           “(1) ensure that the State educational agency  
 5 has in place State criteria for the certification of  
 6 paraprofessionals by December 31, 2002; and

7           “(2) ensure that paraprofessionals hired before  
 8 December 31, 2003, are in high-quality professional  
 9 development activities that ensure that the para-  
 10 professional has the ability to provide tutorial assist-  
 11 ance in—

12           “(A) reading, writing, and mathematics; or

13           “(B) reading readiness, writing readiness, and  
 14 mathematics readiness, as appropriate.

15       “(i) VERIFICATION OF COMPLIANCE.—

16           “(1) IN GENERAL.—In verifying compliance  
 17 with this section, each local educational agency, at  
 18 a minimum, shall require that the principal of each  
 19 elementary school and secondary school operating a  
 20 program under section 1114 or 1115 annually attest  
 21 in writing as to whether each such school is in com-  
 22 pliance with the requirements of this section.

23           “(2) AVAILABILITY OF INFORMATION.—Copies  
 24 of the annual certification described in paragraph  
 25 (1)—

1           “(A) shall be maintained at each elemen-  
 2           tary school and secondary school operating a  
 3           program under section 1114 or 1115 and at the  
 4           main office of the local educational agency; and  
 5           “(B) shall be available to any member of  
 6           the general public upon request.”.

7 **SEC. 113. PROFESSIONAL DEVELOPMENT.**

8           Section 1119A (as redesignated by section 112(a)) is  
 9   amended—

10           (1) by amending subsection (a) to read as fol-  
 11   lows:

12           “(a) PURPOSE.—The purpose of this section is to as-  
 13   sist each local educational agency receiving assistance  
 14   under this part in increasing the academic achievement  
 15   of eligible children (as identified under section  
 16   1115(b)(1)(B)) (in this section referred to as eligible chil-  
 17   dren) through improved teacher quality.”;

18           (2) in subsection (b)—

19           (A) by amending paragraph (1) to read as  
 20   follows:

21           “(1) REQUIRED ACTIVITIES.—Each local edu-  
 22   cational agency receiving assistance under this part  
 23   shall provide professional development activities  
 24   under this section that shall—

1           “(A) give teachers, principals, and admin-  
2 istrators the knowledge and skills to provide eli-  
3 gible children with the opportunity to meet  
4 challenging State or local content standards  
5 and student performance standards;

6           “(B) support the recruiting, hiring, and  
7 training of fully qualified teachers, including  
8 teachers fully qualified through State and local  
9 alternative routes;

10          “(C) advance teacher understanding of ef-  
11 fective instructional strategies, based on sci-  
12 entifically based research, for improving eligible  
13 children achievement, at a minimum, in mathe-  
14 matics, science, and English language arts;

15          “(D) be directly related to the curricula  
16 and content areas in which the teacher provides  
17 instruction;

18          “(E) be designed to enhance the ability of  
19 a teacher to understand and use the State’s  
20 standards for the subject area in which the  
21 teacher provides instruction;

22          “(F) be tied to scientifically based research  
23 that demonstrates the effectiveness of such pro-  
24 fessional development activities or programs in  
25 increasing eligible children achievement or sub-

1           stantially increasing the knowledge and teach-  
2           ing skills of teachers;

3           “(G) be of sufficient intensity and duration  
4           (not to include 1-day or short-term workshops  
5           and conferences) to have a positive and lasting  
6           impact on the teacher’s performance in the  
7           classroom, except that this subparagraph shall  
8           not apply to an activity if such activity is one  
9           component of a long-term comprehensive pro-  
10          fessional development plan established by the  
11          teacher and the teacher’s supervisor based upon  
12          an assessment of their needs, their eligible chil-  
13          dren’s needs, and the needs of the local edu-  
14          cational agency;

15          “(H) be developed with extensive participa-  
16          tion of teachers, principals, parents, administra-  
17          tors of schools, and local school boards of  
18          schools to be served under this part;

19          “(I) to the extent appropriate, provide  
20          training for teachers in the use of technology so  
21          that technology and its applications are effec-  
22          tively used in the classroom to improve teaching  
23          and learning in the curricula and academic con-  
24          tent areas in which the teachers provide in-  
25          struction;

“(J) as a whole, be regularly evaluated for such activities’ impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development; and

“(K) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices.”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “and data to inform and instruct classroom practice” before the semicolon;

(ii) by striking subparagraphs (D) and (G);

(iii) by redesignating subparagraphs (E), (F), (H), and (I), as subparagraphs (D), (E), (F) and (G), respectively; and

(iv) by inserting after subparagraph (G) (as redesignated by clause (iii)) the following new subparagraph:

“(H) instruction in the ways that teachers, principals, and guidance counselors can work with parents and students from groups, such as females and minorities, that are underrep-

1           resented in careers in mathematics, science, en-  
 2           gineering, and technology, to encourage and  
 3           maintain the interest of such students in those  
 4           careers.”;

5           (3) by striking subsections (f) through (i); and

6           (4) by adding after subsection (e) the following:

7           “(f) CONSOLIDATION OF FUNDS.—Funds provided  
 8           under this part that are used for professional development  
 9           purposes may be consolidated with funds provided under  
 10          title II of this Act and other sources.

11          “(g) DEFINITION.—The term ‘fully qualified’ has the  
 12          same meaning given such term in section 2001(1).

13          “(h) SPECIAL RULE.—

14                 “(1) IN GENERAL.—No State educational agen-  
 15                 cy shall require a local educational agency or ele-  
 16                 mentary school or secondary school to expend a spe-  
 17                 cific amount of funds for professional development  
 18                 activities under this part.

19                 “(2) EXCEPTION.—Paragraph (1) shall not  
 20                 apply with respect to requirements under section  
 21                 1116(d)(9).”.

22   **SEC. 114. FISCAL REQUIREMENTS.**

23          Section 1120A(a) (20 U.S.C. 6322(a)) is amended by  
 24          striking “section 14501” and inserting “section 8501”.

1 **SEC. 115. COORDINATION REQUIREMENTS.**

2 Section 1120B (20 U.S.C. 6323) is amended—

3 (1) in subsection (a), by striking “to the extent  
4 feasible” and all that follows through the period and  
5 inserting “in coordination with local Head Start  
6 agencies, and if feasible, other early childhood devel-  
7 opment programs.”;

8 (2) in subsection (b)—

9 (A) in paragraph (3) by striking “and”  
10 after the semicolon;

11 (B) in paragraph (4) by striking the period  
12 and inserting “; and”; and

13 (C) by adding at the end, the following:

14 “(5) linking the educational services provided in  
15 such local educational agency with the services pro-  
16 vided in local Head Start agencies.”.

17 **SEC. 116. GRANTS FOR THE OUTLYING AREAS AND THE**  
18 **SECRETARY OF THE INTERIOR.**

19 Section 1121 (20 U.S.C. 6331) is amended to read  
20 as follows:

21 **“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE**  
22 **SECRETARY OF THE INTERIOR.**

23 “(a) RESERVATION OF FUNDS.—From the amount  
24 appropriated for payments to States for any fiscal year  
25 under section 1002(a), the Secretary shall reserve a total  
26 of 1 percent to provide assistance to—

1           “(1) the outlying areas in the amount deter-  
2           mined in accordance with subsection (b); and

3           “(2) the Secretary of the Interior in the amount  
4           necessary to make payments pursuant to subsection  
5           (d).

6           “(b) ASSISTANCE TO OUTLYING AREAS.—

7           “(1) GRANTS AUTHORIZED.—From the amount  
8           made available for a fiscal year under subsection (a),  
9           the Secretary shall award grants to the outlying  
10          areas and freely associated States to carry out the  
11          purposes of this part.

12          “(2) COMPETITIVE GRANTS.—For each of fiscal  
13          years 2000 and 2001, the Secretary shall ensure  
14          that grants are awarded under this subsection on a  
15          competitive basis in accordance with paragraph (3).

16          “(3) REQUIREMENTS AND LIMITATION FOR  
17          COMPETITIVE GRANTS.—

18                 “(A) RECOMMENDATIONS.—The Secretary  
19                 shall award grants under this subsection on the  
20                 basis of the recommendations of the Pacific Re-  
21                 gion Educational Laboratory in Honolulu, Ha-  
22                 waii.

23                 “(B) TERMINATION OF ELIGIBILITY.—  
24                 Notwithstanding any other provision of law, the  
25                 freely associated States shall not be eligible to

1 receive funds under this part after September  
2 30, 2001.

3 “(C) ADMINISTRATIVE COSTS.—The Sec-  
4 retary may provide that not more than 5 per-  
5 cent of the amount reserved for grants under  
6 this subsection will be used to pay the adminis-  
7 trative costs of the Pacific Region Educational  
8 Laboratory for services provided under subpara-  
9 graph (A).

10 “(4) SPECIAL RULE.—The provisions of Public  
11 Law 95–134 (91 Stat. 1159) that permit the con-  
12 solidation of grants by the outlying areas shall not  
13 apply to funds provided to the freely associated  
14 States under this subsection.

15 “(5) FUNDING.—The amount reserved by the  
16 Secretary to award grants under this subsection  
17 shall not exceed the amount reserved under this sec-  
18 tion (as this section existed on the day prior to the  
19 date of enactment of the Public Education Reinvest-  
20 ment, Reinvention, and Responsibility Act) for the  
21 freely associated States for fiscal year 1999.

22 “(6) DEFINITIONS.—In this subsection and  
23 subsection (a):

24 “(A) FREELY ASSOCIATED STATES.—The  
25 term ‘freely associated States’ means the Re-

1 public of the Marshall Islands, the Federated  
 2 States of Micronesia, and the Republic of  
 3 Palau.

4 “(B) OUTLYING AREA.—The term ‘out-  
 5 lying area’ means the United States Virgin Is-  
 6 lands, Guam, American Samoa, and the Com-  
 7 monwealth of the Northern Mariana Islands.

8 “(c) ALLOTMENT TO THE SECRETARY OF THE INTE-  
 9 RIOR.—

10 “(1) IN GENERAL.—The amount allotted for  
 11 payments to the Secretary of the Interior under sub-  
 12 section (a)(2) for any fiscal year shall be, as deter-  
 13 mined pursuant to criteria established by the Sec-  
 14 retary, the amount necessary to meet the special  
 15 educational needs of—

16 “(A) Indian children on reservations served  
 17 by elementary and secondary schools for Indian  
 18 children operated or supported by the Depart-  
 19 ment of the Interior; and

20 “(B) out-of-State Indian children in ele-  
 21 mentary and secondary schools in local edu-  
 22 cational agencies under special contracts with  
 23 the Department of the Interior.

24 “(2) PAYMENTS.—From the amount allotted  
 25 for payments to the Secretary of the Interior under

1 subsection (a)(2), the Secretary of the Interior shall  
 2 make payments to local educational agencies, upon  
 3 such terms as the Secretary determines will best  
 4 carry out the purposes of this part, with respect to  
 5 out-of-State Indian children described in paragraph  
 6 (1). The amount of such payment may not exceed,  
 7 for each such child, the greater of—

8 “(A) 40 percent of the average per pupil  
 9 expenditure in the State in which the agency is  
 10 located; or

11 “(B) 48 percent of such expenditure in the  
 12 United States.”.

13 **SEC. 117. AMOUNTS FOR GRANTS.**

14 Section 1122 (20 U.S.C. 6332) is amended to read  
 15 as follows:

16 **“SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRA-**  
 17 **TION GRANTS, AND TARGETED GRANTS.**

18 “(a) ALLOCATION FORMULA.—

19 “(1) ALLOCATION TO STATES.—Of the amount  
 20 appropriated to carry out this part for each of fiscal  
 21 years 2001 through 2005 (each such year, as appro-  
 22 priate, shall be referred to in this subsection as the  
 23 ‘current fiscal year’), the amount to be allocated to  
 24 States for a fiscal year based on population data for

1 local educational agencies in such States, shall be  
2 equal to the sum of—

3 “(A) an amount equal to the sum of—

4 “(i) the amount made available to  
5 carry out section 1124 (as such section ex-  
6 isted on the day prior to the date of enact-  
7 ment of the Public Education Reinvest-  
8 ment, Reinvention, and Responsibility Act)  
9 for fiscal year 1999; and

10 “(ii) 21.25 percent of the amount, if  
11 any, by which the amount appropriated  
12 under section 1002(a) for the current fis-  
13 cal year exceeds the amount appropriated  
14 under such section (as such section existed  
15 on the day prior to the date of enactment  
16 of the Public Education Reinvestment, Re-  
17 invention, and Responsibility Act) for fiscal  
18 year 1999, to be allocated in accordance  
19 with section 1124;

20 “(B) an amount equal to the sum of—

21 “(i) the amount made available to  
22 carry out section 1124A (as such section  
23 existed on the day prior to the date of en-  
24 actment of the Public Education Reinvest-

1           ment, Reinvention, and Responsibility Act)  
2           for fiscal year 1999; and

3           “(ii) 3.75 percent of the amount, if  
4           any, by which the amount appropriated  
5           under section 1002(a) for the current fis-  
6           cal year exceeds the amount appropriated  
7           under such section (as such section existed  
8           on the day prior to the date of enactment  
9           of the Public Education Reinvestment, Re-  
10          invention, and Responsibility Act) for fiscal  
11          year 1999, to be allocated in accordance  
12          with section 1124A; and

13          “(C) an amount equal to 75 percent of the  
14          amount, if any, by which the amount appro-  
15          priated under section 1002(a) for the current  
16          fiscal year exceeds the amount appropriated  
17          under such section (as such section existed on  
18          the day prior to the date of enactment of the  
19          Public Education Reinvestment, Reinvention,  
20          and Responsibility Act) for fiscal year 1999, to  
21          be allocated in accordance with section 1125.

22          “(2) ALLOCATION TO LOCAL EDUCATIONAL  
23          AGENCIES.—Of the total amounts allocated to a  
24          State under this part for each of fiscal years 2001  
25          and 2002, 96.5 percent shall be allocated by the

1 State educational agency to local educational agen-  
2 cies, and for each of fiscal years 2003 through 2005,  
3 95.5 percent shall be allocated to local educational  
4 agencies, of which—

5 “(A) 75 percent shall be allocated in ac-  
6 cordance with section 1125;

7 “(B) 21.25 percent shall be allocated in ac-  
8 cordance with section 1124; and

9 “(C) 3.75 percent shall be allocated in ac-  
10 cordance with section 1124A.

11 “(b) ADJUSTMENTS WHERE NECESSITATED BY AP-  
12 PROPRIATIONS.—

13 “(1) IN GENERAL.—If the sums available under  
14 this part for any fiscal year are insufficient to pay  
15 the full amounts that all States and local edu-  
16 cational agencies are eligible to receive under sec-  
17 tions 1124, 1124A, and 1125 for such fiscal year,  
18 the Secretary shall ratably reduce the allocations to  
19 such States and local educational agencies, subject  
20 to subsections (c) and (d).

21 “(2) ADDITIONAL FUNDS.—If additional funds  
22 become available for making payments under sec-  
23 tions 1124, 1124A, and 1125 for such fiscal year,  
24 allocations that were reduced under paragraph (1)

1 shall be increased on the same basis as they were re-  
2 duced.

3 “(c) HOLD-HARMLESS AMOUNTS.—

4 “(1) GRANTS TO STATES.—The total amount  
5 allocated to each State under this part in each fiscal  
6 year shall not be less than the amount allocated to  
7 each State in the preceding fiscal year.

8 “(2) GRANTS TO LOCAL EDUCATIONAL AGEN-  
9 CIES.—The total amount allocated to each local edu-  
10 cational agency under this part in each fiscal year  
11 shall not be less than an amount equal to 85 percent  
12 of the amount allocated to each local educational  
13 agency in the preceding fiscal year.

14 “(d) RATABLE REDUCTIONS.—

15 “(1) IN GENERAL.—If the sums made available  
16 under this part for any fiscal year are insufficient to  
17 pay the full amounts that all States are eligible to  
18 receive under subsection (c) for such year, the Sec-  
19 retary shall ratably reduce such amounts for such  
20 year.

21 “(2) ADDITIONAL FUNDS.—If additional funds  
22 become available for making payments under sub-  
23 section (c) for such fiscal year, amounts that were  
24 reduced under paragraph (1) shall be increased on  
25 the same basis as such amounts were reduced.

1       “(e) DEFINITION.—For the purpose of this section  
 2 and sections 1124, 1124A, and 1125, the term ‘State’  
 3 means each of the 50 States, the District of Columbia,  
 4 and the Commonwealth of Puerto Rico.”.

5       **SEC. 118. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**  
 6                               **CIES.**

7       Section 1124 (20 U.S.C. 6333) is amended to read  
 8 as follows:

9       **“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**  
 10                              **CIES.**

11       “(a) AMOUNT OF GRANTS.—

12               “(1) GRANTS FOR LOCAL EDUCATIONAL AGEN-

13 CIES AND PUERTO RICO.—Except as provided in

14 paragraph (3) and in section 1126, the amount of

15 a grant that a local educational agency is eligible to

16 receive under this section for a fiscal year shall be

17 determined by multiplying—

18               “(A) the number of children counted under

19 subsection (c); and

20               “(B) 40 percent of the average per-pupil

21 expenditure in the State involved, except that

22 the amount determined under this subpara-

23 graph shall not be less than 32 percent or more

24 than 48 percent, of the average per-pupil ex-

25 penditure in the United States.

1 “(2) CALCULATION OF GRANTS.—

2 “(A) ALLOCATIONS TO LOCAL EDU-  
 3 CATIONAL AGENCIES.—The Secretary shall cal-  
 4 culate the amount of grants under this section  
 5 on the basis of the number of children counted  
 6 under subsection (c) for local educational agen-  
 7 cies. For purposes of this subparagraph, the  
 8 Secretary and the Secretary of Commerce shall  
 9 publicly disclose the reasoning for their deter-  
 10 minations under subsection (c) in detail.

11 “(B) ALLOCATIONS TO LARGE AND SMALL  
 12 LOCAL EDUCATIONAL AGENCIES.—

13 “(i) APPLICATION OF PROVISION.—  
 14 The Secretary shall determine the amount  
 15 of grant awards under this section for each  
 16 large or small local educational agency.

17 “(ii) LARGE AGENCIES.—The amount  
 18 of a grant awarded under this section for  
 19 each large local educational agency shall be  
 20 the amount determined by the Secretary  
 21 under clause (i).

22 “(iii) SMALL AGENCIES.—With re-  
 23 spect to the amount of a grant awarded  
 24 under this section to a small local edu-

1           cational agency, the State educational  
2           agency may—

3                   “(I) provide such grant in an  
4                   amount determined by the Secretary  
5                   under clause (i); or

6                   “(II) use an alternative method  
7                   approved by the Secretary to dis-  
8                   tribute the portion of the State’s total  
9                   grants under this section that is based  
10                  on the number of small local edu-  
11                  cational agencies.

12                  “(iv) ALTERNATIVE METHOD.—An al-  
13                  ternative method approved under clause  
14                  (iii)(II) shall be based on population data  
15                  that the State educational agency deter-  
16                  mines best reflects the current distribution  
17                  of children in poor families among the  
18                  State’s small local educational agencies  
19                  that meet the eligibility criteria of sub-  
20                  section (b).

21                  “(v) APPEALS.—A small local edu-  
22                  cational agency that is dissatisfied with the  
23                  determination of its grant amount by the  
24                  State educational agency under clause  
25                  (iii)(II), may appeal that determination to

1 the Secretary, who shall respond not later  
2 than 45 days after receipt of such appeal.

3 “(vi) DEFINITION.—In this subpara-  
4 graph:

5 “(I) LARGE LOCAL EDUCATIONAL  
6 AGENCY.—The term ‘large local edu-  
7 cational agency’ means a local edu-  
8 cational agency serving an area with a  
9 total population of 20,000 or more.

10 “(II) SMALL LOCAL EDU-  
11 CATIONAL AGENCY.—The term ‘small  
12 local educational agency’ means a  
13 local educational agency serving an  
14 area with a total population of less  
15 than 20,000.

16 “(3) PUERTO RICO.—

17 “(A) IN GENERAL.—For each fiscal year,  
18 the amount of the grant that the Common-  
19 wealth of Puerto Rico shall be eligible to receive  
20 under this section shall be determined by multi-  
21 plying the number of children counted under  
22 subsection (c) for the Commonwealth of Puerto  
23 Rico by the product of—

24 “(i) the percentage which the average  
25 per pupil expenditure in the Common-

1 wealth of Puerto Rico is of the lowest aver-  
2 age per pupil expenditure of any of the 50  
3 States; and

4 “(ii) 32 percent of the average per  
5 pupil expenditure in the United States.

6 “(B) MINIMUM PERCENTAGE.—The per-  
7 centage in subparagraph (A)(i) shall not be less  
8 than—

9 “(i) for fiscal year 2000, 75.0 percent;

10 “(ii) for fiscal year 2001, 77.5 per-  
11 cent;

12 “(iii) for fiscal year 2002, 80.0 per-  
13 cent;

14 “(iv) for fiscal year 2003, 82.5 per-  
15 cent; and

16 “(v) for fiscal year 2004, and suc-  
17 ceeding fiscal years, 85.0 percent.

18 “(C) LIMITATION.—If the application of  
19 subparagraph (B) would result in any of the 50  
20 States or the District of Columbia receiving less  
21 under this part than the State or District re-  
22 ceived under this part for the preceding fiscal  
23 year, the percentage shall be the greater of the  
24 percentage described in subparagraph (A)(i) or

1           the percentage used for the preceding fiscal  
2           year.

3           “(4) DEFINITION.—In this subsection, the term  
4           ‘State’ does not include Guam, American Samoa, the  
5           Virgin Islands, and the Northern Mariana Islands.

6           “(b) MINIMUM NUMBER OF CHILDREN TO QUAL-  
7           IFY.—A local educational agency shall be eligible for a  
8           basic grant under this section for any fiscal year only if—

9           “(1) there are 10 or more children counted  
10          under subsection (c) with respect to that agency;  
11          and

12          “(2) such children make up more than 2 per-  
13          cent of the total school-age population in the agen-  
14          cy’s jurisdiction.

15          “(c) CHILDREN TO BE COUNTED.—

16          “(1) CATEGORIES OF CHILDREN.—The number  
17          of children to be counted for purposes of this section  
18          is the aggregate of—

19                  “(A) the number of children ages 5 to 17,  
20                  inclusive, in the school district of the local edu-  
21                  cational agency involved from families below the  
22                  poverty level as determined under paragraph  
23                  (2); and

24                  “(B) the number of children (determined  
25                  under paragraph (4) for either the preceding

1           year as described in that paragraph, or for the  
 2           second preceding year, as the Secretary finds  
 3           appropriate) ages 5 to 17, inclusive, in the  
 4           school district of the local educational agency  
 5           involved in institutions for neglected and delin-  
 6           quent children (other than such institutions op-  
 7           erated by the United States), but not counted  
 8           pursuant to subpart 1 of part D for the pur-  
 9           poses of a grant to a State agency, or being  
 10          supported in foster homes with public funds.

11          “(2) DETERMINATION OF NUMBER OF CHIL-  
 12          DREN.—

13                 “(A) NUMBER OF CHILDREN BELOW THE  
 14                 POVERTY LEVEL.—For purposes of this sub-  
 15                 section, the Secretary shall determine the num-  
 16                 ber of children ages 5 to 17, inclusive, from  
 17                 families below the poverty level on the basis of  
 18                 the most recent satisfactory data, described in  
 19                 paragraph (3), that is available from the De-  
 20                 partment of Commerce.

21                 “(B) SPECIAL RULES.—

22                         “(i) DISTRICT OF COLUMBIA AND  
 23                         PUERTO RICO.—The District of Columbia  
 24                         and the Commonwealth of Puerto Rico  
 25                         shall be treated as individual local edu-

1 cational agencies for purposes of this para-  
2 graph.

3 “(ii) MULTIPLE COUNTIES.—If a local  
4 educational agency contains 2 or more  
5 counties in their entirety, then each county  
6 will be treated as if such county were a  
7 separate local educational agency for pur-  
8 poses of calculating grants under this part.  
9 The total of grants for such counties shall  
10 be allocated to such local educational agen-  
11 cy and the local educational agency shall  
12 distribute to schools in each county within  
13 such agency a share of the local edu-  
14 cational agency’s total grant in an amount  
15 that is not less than the county’s share of  
16 the population counts used to calculate the  
17 local educational agency’s grant.

18 “(3) POPULATION UPDATES.—

19 “(A) IN GENERAL.—In fiscal year 2001,  
20 and every 2 years thereafter, the Secretary shall  
21 use updated data on the number of children,  
22 ages 5 to 17, inclusive, from families below the  
23 poverty level for local educational agencies or  
24 counties, as published by the Department of  
25 Commerce, unless the Secretary and the Sec-

retary of Commerce determine that the use of the updated population data would be inappropriate or unreliable.

“(B) CRITERIA OF POVERTY.—In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

“(C) INAPPROPRIATE OR UNRELIABLE DATA.—If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in subparagraph (A) are inappropriate or unreliable, the Secretaries shall publicly disclose the reasons for such determination.

“(4) OTHER CHILDREN TO BE COUNTED.—

“(A) IN GENERAL.—For the purposes of this section, the Secretary shall—

“(i) determine the number of children ages 5 to 17, inclusive, from families above the poverty line on the basis of the number

1 of such children from families receiving an  
 2 annual income in excess of the annual in-  
 3 come current criteria of poverty for pay-  
 4 ments under a State program funded  
 5 under part A of title IV of the Social Secu-  
 6 rity Act; and

7 “(ii) in making a determination under  
 8 clause (i), utilize the criteria of poverty  
 9 used by the Bureau of the Census in com-  
 10 piling the most recent decennial census for  
 11 a family of 4 in such form as those criteria  
 12 have been updated by increases in the Con-  
 13 sumer Price Index for all urban con-  
 14 sumers, published by the Bureau of Labor  
 15 Statistics.

16 “(B) CASELOAD DATA.—The Secretary  
 17 shall determine the number of children de-  
 18 scribed in subparagraph (A) and the number of  
 19 children ages 5 to 17, inclusive, living in insti-  
 20 tutions for neglected or delinquent children, or  
 21 being supported in foster homes with public  
 22 funds, on the basis of the caseload data for the  
 23 month of October of the year preceding the fis-  
 24 cal year for which the determination is being  
 25 made (using, in the case of children described

1 in the preceding sentence, the criteria of pov-  
2 erty and the form of such criteria required by  
3 such sentence which were determined for the  
4 calendar year preceding such month of October)  
5 or, to the extent that such data are not avail-  
6 able to the Secretary before January of the cal-  
7 endar year in which the Secretary's determina-  
8 tion is made, then on the basis of the most re-  
9 cent reliable data available to the Secretary at  
10 the time of such determination. For the purpose  
11 of this section, the Secretary shall consider all  
12 children who are in correctional institutions to  
13 be living in institutions for delinquent children.

14 “(C) COLLECTION AND TRANSMISSION OF  
15 DATA.—The Secretary of Health and Human  
16 Services shall collect and transmit the informa-  
17 tion required by this subparagraph to the Sec-  
18 retary not later than January 1 of each year.

19 “(5) ESTIMATE.—When requested by the Sec-  
20 retary, the Secretary of Commerce shall make a spe-  
21 cial updated estimate of the number of children of  
22 such ages who are from families below the poverty  
23 level in each school district, and the Secretary may  
24 pay (either in advance or by way of reimbursement)  
25 the Secretary of Commerce the cost of making this

1 special estimate. The Secretary of Commerce shall  
 2 give consideration to any request of the chief execu-  
 3 tive of a State for the collection of additional census  
 4 information.

5 “(d) STATE MINIMUM.—Notwithstanding section  
 6 1122, the aggregate amount allotted for all local edu-  
 7 cational agencies within a State may not be less than the  
 8 lesser of—

9 “(1) 0.25 percent of total amount of grants  
 10 awarded under this section; or

11 “(2) the average of—

12 “(A) one-quarter of 1 percent of the total  
 13 amount available for such fiscal year under this  
 14 section; and

15 “(B) the number of children in such State  
 16 counted under subsection (c) in the fiscal year  
 17 multiplied by 150 percent of the national aver-  
 18 age per pupil payment made with funds avail-  
 19 able under this section for that year.”.

20 **SEC. 119. CONCENTRATION GRANTS.**

21 Section 1124A (20 U.S.C. 6334.) is amended to read  
 22 as follows:

23 **“SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDU-**  
 24 **CATIONAL AGENCIES.**

25 “(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

1 “(1) ELIGIBILITY.—

2 “(A) IN GENERAL.—Except as otherwise  
3 provided in this paragraph, each local edu-  
4 cational agency in a State other than Guam,  
5 American Samoa, the Virgin Islands, and the  
6 Commonwealth of the Northern Mariana Is-  
7 lands, that is eligible for a grant under section  
8 1124 for any fiscal year shall be eligible for an  
9 additional grant under this section for that fis-  
10 cal year if the number of children counted  
11 under section 1124(c) with respect to the agen-  
12 cy exceeds—

13 “(i) 6,500; or

14 “(ii) 15 percent of the total number of  
15 children ages 5 through 17, inclusive, in  
16 the agency.

17 “(B) MINIMUM AMOUNT.—Notwith-  
18 standing section 1122, no State described in  
19 subparagraph (A) shall receive an amount  
20 under this section that is less than the lesser  
21 of—

22 “(i) 0.25 percent of the total amount  
23 of grants awarded under this section; or

24 “(ii) the average of—

1                   “(I) one-quarter of 1 percent of  
 2                   the amounts made available to carry  
 3                   out this section for such fiscal year;  
 4                   and

5                   “(II) the greater of—

6                   “(aa) \$340,000; or

7                   “(bb) the number of children in  
 8                   such State counted for purposes  
 9                   of this section in that fiscal year  
 10                  multiplied by 150 percent of the  
 11                  national average per pupil pay-  
 12                  ment made with funds available  
 13                  under this section for that year.

14               “(2) SPECIAL RULE.—For each local edu-  
 15               cational agency eligible to receive an additional  
 16               grant under this section for any fiscal year the Sec-  
 17               retary shall determine the product of—

18               “(A) the number of children counted under  
 19               section 1124(c) for that fiscal year; and

20               “(B) the quotient resulting from the divi-  
 21               sion of the amount determined for those agen-  
 22               cies under section 1124(a)(1) for the fiscal year  
 23               for which the determination is being made di-  
 24               vided by the total number of children counted

1 under section 1124(c) for that agency for that  
2 fiscal year.

3 “(3) AMOUNT.—The amount of an additional  
4 grant for which an eligible local educational agency  
5 is eligible under this section for any fiscal year shall  
6 be an amount that bears the same ratio to the  
7 amount available to carry out this section for that  
8 fiscal year as the product determined under para-  
9 graph (2) for such local educational agency for that  
10 fiscal year bears to the sum of such product for all  
11 local educational agencies in the United States for  
12 that fiscal year.

13 “(4) LOCAL ALLOCATIONS.—Grant amounts  
14 under this section shall be determined in accordance  
15 with section 1124(a)(2) and (3).

16 “(b) STATES RECEIVING MINIMUM GRANTS.—With  
17 respect to a State that receives a grant for the minimum  
18 amount under subsection (a)(1)(B), the State educational  
19 agency shall allocate such amount among the local edu-  
20 cational agencies in each State either—

21 “(1) in accordance with paragraphs (2) and (4)  
22 of subsection (a); or

23 “(2) based on their respective concentrations  
24 and numbers of children counted under section  
25 1124(c), except that only those local educational

1 agencies with concentrations or numbers of children  
 2 counted under section 1124(c) that exceed the state-  
 3 wide average percentage of such children or the  
 4 statewide average number of such children shall re-  
 5 ceive any funds on the basis of this paragraph.”.

6 **SEC. 120. TARGETED GRANTS.**

7 Section 1125 (20 U.S.C 6335) is amended to read  
 8 as follows:

9 **“SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL**  
 10 **AGENCIES.**

11 “(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGEN-  
 12 CIES.—A local educational agency in a State shall be eligi-  
 13 ble to receive a targeted grant under this section for any  
 14 fiscal year if the number of children in the local edu-  
 15 cational agency counted under subsection 1124(c), before  
 16 the application of the weighting factor described in sub-  
 17 section (c), is at least 10, and if the number of children  
 18 counted for grants under section 1124 is at least 5 percent  
 19 of the total population age 5 to 17 years, inclusive, in the  
 20 local educational agency.

21 “(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES,  
 22 THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—

23 “(1) IN GENERAL.—The amount of a grant  
 24 that a local educational agency in a State or that the  
 25 District of Columbia is eligible to receive under this

1 section for any fiscal year shall be equal to the prod-  
 2 uct of—

3 “(A) the weighted child count determined  
 4 under subsection (c); and

5 “(B) the amount determined under section  
 6 1124(a)(1)(B).

7 “(2) PUERTO RICO.—For each fiscal year, the  
 8 amount of the grant for which the Commonwealth of  
 9 Puerto Rico is eligible to receive under this section  
 10 shall be equal to the number of children counted  
 11 under subsection (c) for Puerto Rico, multiplied by  
 12 the amount determined under section 1124(a)(4).

13 “(c) WEIGHTED CHILD COUNT.—

14 “(1) IN GENERAL.—For each fiscal year, the  
 15 weighted child count used to determine a local edu-  
 16 cational agency’s grant under this section shall be  
 17 equal to the sum of—

18 “(A) the number of children determined  
 19 under section 1124(c) for that local educational  
 20 agency constituting up to 14.265 percent, inclu-  
 21 sive, of the agency’s total population ages 5 to  
 22 17, inclusive, multiplied by 1.0;

23 “(B) the number of such children consti-  
 24 tuting more than 14.265 percent, but not more

1           than 21.553 percent, of such population, multi-  
2           plied by 1.75;

3           “(C) the number of such children consti-  
4           tuting more than 21.553 percent, but not more  
5           than 29.223 percent, of such population, multi-  
6           plied by 2.5;

7           “(D) the number of such children consti-  
8           tuting more than 29.223 percent, but not more  
9           than 36.538 percent, of such population, multi-  
10          plied by 3.25; and

11          “(E) the number of such children consti-  
12          tuting more than 36.538 percent of such popu-  
13          lation, multiplied by 4.0.

14          “(2) PUERTO RICO.—Notwithstanding subpara-  
15          graph (A), the weighted child count for Puerto Rico  
16          under this paragraph shall not be greater than the  
17          total number of children counted under section  
18          1124(c) multiplied by 1.72.

19          “(d) CALCULATION OF GRANT AMOUNTS.—Grants  
20          under this section shall be calculated in accordance with  
21          section 1124(a)(2) and (3).

22          “(e) STATE MINIMUM.—Notwithstanding any other  
23          provision of this section or section 1122, from the total  
24          amount made available for any fiscal year to carry out

1 this section, each State shall be allotted at least the lesser  
2 of—

3 “(1) 0.25 percent of the total amount of grants  
4 awarded under this section; or

5 “(2) the average of—

6 “(A) one-quarter of 1 percent of the total  
7 amount available for such fiscal year to carry  
8 out this section; and

9 “(B) 150 percent of the national average  
10 grant under this section per child described in  
11 section 1124(c), without application of a  
12 weighting factor, multiplied by the State’s total  
13 number of children described in section  
14 1124(c), without application of a weighting fac-  
15 tor.”.

16 **SEC. 121. SPECIAL ALLOCATION PROCEDURES.**

17 Section 1126 (20 U.S.C. 6337) is amended to read  
18 as follows:

19 **“SEC. 1126. SPECIAL ALLOCATION PROCEDURES.**

20 “(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

21 “(1) IN GENERAL.—If a State educational  
22 agency determines that a local educational agency in  
23 the State is unable or unwilling to provide for the  
24 special educational needs of children who are living  
25 in institutions for neglected children as described in

1        subparagraph (B) of section 1124(c)(1), the State  
2        educational agency shall, if such agency assumes re-  
3        sponsibility for the special educational needs of such  
4        children, receive the portion of such local educational  
5        agency's allocation under sections 1124, 1124A, and  
6        1125 that is attributable to such children.

7            “(2) SPECIAL RULE.—If the State educational  
8        agency does not assume the responsibility described  
9        in paragraph (1), any other State or local public  
10       agency that does assume such responsibility shall re-  
11       ceive that portion of the local educational agency's  
12       allocation.

13        “(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL  
14       AGENCIES.—The State educational agency may allocate  
15       the amounts of grants under sections 1124, 1124A, and  
16       1125 among the affected local educational agencies—

17            “(1) if 2 or more local educational agencies  
18       serve, in whole or in part, the same geographical  
19       area;

20            “(2) if a local educational agency provides free  
21       public education for children who reside in the  
22       school district of another local educational agency;  
23       or

1 “(3) to reflect the merger, creation, or change  
 2 of boundaries of 1 or more local educational agen-  
 3 cies.

4 “(c) REALLOCATION.—If a State educational agency  
 5 determines that the amount of a grant that a local edu-  
 6 cational agency would receive under sections 1124, 1124A,  
 7 and 1125 is more than such local agency will use, the  
 8 State educational agency shall make the excess amount  
 9 available to other local educational agencies in the State  
 10 that need additional funds in accordance with criteria es-  
 11 tablished by the State educational agency.”.

12 **PART B—EVEN START FAMILY LITERACY**  
 13 **PROGRAMS**

14 **SEC. 131. PROGRAM AUTHORIZED.**

15 Section 1202(c) (20 U.S.C. 6362(c)) is amended—

16 (1) in paragraph (1), by striking “section  
 17 2260(b)(3)” and inserting “section 7005(c)”;

18 (2) by striking paragraph (2)(C); and

19 (3) in paragraph (3)—

20 (A) by striking “is defined” and inserting  
 21 “was defined”; and

22 (B) by inserting “as such section was in  
 23 effect on the day preceding the date of enact-  
 24 ment of the Public Education Reinvestment,

1           Reinvention, and Responsibility Act” after  
2           “2252”.

3 **SEC. 132. APPLICATIONS.**

4           Section 1207(c)(1)(F) (20 U.S.C. 6367(c)(1)(F)) is  
5 amended by striking “the Goals 2000” and all that follows  
6 through the period and inserting “or other Acts, as appro-  
7 priate, consistent with section 8305.”.

8 **SEC. 133. RESEARCH.**

9           Section 1211(b) (20 U.S.C. 6396b(b)) is amended to  
10 read as follows:

11           “(b) DISSEMINATION.—The Secretary shall dissemi-  
12 nate, or designate another entity to disseminate, the re-  
13 sults of the research described in subsection (a) to States  
14 and recipients of subgrants under this part.”.

15 **PART C—EDUCATION OF MIGRATORY CHILDREN**

16 **SEC. 141. COMPREHENSIVE NEEDS ASSESSMENT AND SERV-**  
17 **ICE-DELIVERY PLAN; AUTHORIZED ACTIVI-**  
18 **TIES.**

19           Section 1306(a)(1) (20 U.S.C. 6369(a)(1)) is  
20 amended—

21           (1) in subparagraph (A), by striking “the Goals  
22 2000” and all that follows through the period and  
23 inserting “or other Acts, as appropriate, consistent  
24 with section 8305;”;

1 (2) in subparagraph (B), by striking “section  
2 14302” and inserting “section 8302”; and

3 (3) in subparagraph (F), by striking “bilingual  
4 education” and all that follows and inserting “lan-  
5 guage instruction programs under title III; and”.

6 **PART D—PREVENTION AND INTERVENTION PRO-**  
7 **GRAMS FOR CHILDREN AND YOUTH WHO**  
8 **ARE NEGLECTED, DELINQUENT, OR AT RISK**  
9 **OF DROPPING OUT**

10 **SEC. 151. STATE PLAN AND STATE AGENCY APPLICATIONS.**

11 Section 1414 (20 U.S.C. 6434) is amended—

12 (1) in subsection (a)(1), by striking “the Goals  
13 2000” and all that follows through the period and  
14 inserting “or other Acts, as appropriate, consistent  
15 with section 8305.”; and

16 (2) in subsection (c)—

17 (A) in paragraph (6), by striking “section  
18 14701” and inserting “section 8701”; and

19 (B) in paragraph (7), by striking “section  
20 14501” and inserting “section 8501”.

21 **SEC. 152. USE OF FUNDS.**

22 Section 1415(a)(2)(D) (20 U.S.C. 6435(a)(2)(D)) is  
23 amended by striking “section 14701” and inserting “sec-  
24 tion 8701”.

1           **PART E—FEDERAL EVALUATIONS,**  
2   **DEMONSTRATIONS, AND TRANSITION PROJECTS**  
3   **SEC. 161. EVALUATIONS.**

4           Section 1501 (20 U.S.C. 6491) is amended—

5                 (1) in subsection (a)(4)—

6                         (A) by striking “January 1, 1996” and in-  
7                         serting “January 1, 2002”; and

8                         (B) by striking “January 1, 1999” and in-  
9                         serting “January 1, 2005”;

10                 (2) in subsection (b)(1), by striking “December  
11                 31, 1997” and inserting “December 31, 2003”; and

12                 (3) in subsection (e)(2), by striking “December  
13                 31, 1996” and inserting “December 31, 2002”.

14   **SEC. 162. DEMONSTRATIONS OF INNOVATIVE PRACTICES.**

15           Section 1502 (20 U.S.C. 6492) is amended to read  
16 as follows:

17   **“SEC. 1502. COMPREHENSIVE SCHOOL REFORM.**

18                 “(a) FINDINGS AND PURPOSE.—

19                         “(1) FINDINGS.—Congress finds the following:

20                                 “(A) A number of schools across the coun-  
21                                 try have shown impressive gains in student per-  
22                                 formance through the use of comprehensive  
23                                 models for schoolwide change that incorporate  
24                                 virtually all aspects of school operations.

25                                 “(B) No single comprehensive school re-  
26                                 form model may be suitable for every school,

1           however, schools should be encouraged to exam-  
 2           ine successful, externally developed comprehen-  
 3           sive school reform approaches as they under-  
 4           take comprehensive school reform.

5           “(C) Comprehensive school reform is an  
 6           important means by which children are assisted  
 7           in meeting challenging State student perform-  
 8           ance standards.

9           “(2) PURPOSE.—The purpose of this section is  
 10          to provide financial incentives for schools to develop  
 11          comprehensive school reforms, based upon scientif-  
 12          ically based research and effective practices that in-  
 13          clude an emphasis on basic academics and parental  
 14          involvement so that all children can meet challenging  
 15          State content and performance standards.

16          “(b) PROGRAM AUTHORIZED.—

17                 “(1) IN GENERAL.—The Secretary is authorized  
 18          to provide grants to State educational agencies to  
 19          provide subgrants to local educational agencies to  
 20          carry out the purpose described in subsection (a)(2).

21          “(2) ALLOCATION.—

22                 “(A) RESERVATION.—Of the amount ap-  
 23          propriated under this section, the Secretary  
 24          may reserve—

1 “(i) not more than 1 percent for  
2 schools supported by the Bureau of Indian  
3 Affairs and in the United States Virgin Is-  
4 lands, Guam, American Samoa, and the  
5 Commonwealth of the Northern Mariana  
6 Islands; and

7 “(ii) not more than 1 percent to con-  
8 duct national evaluation activities de-  
9 scribed under subsection (e).

10 “(B) IN GENERAL.—Of the amount of  
11 funds remaining after the reservation under  
12 subparagraph (A), the Secretary shall allocate  
13 to each State for a fiscal year, an amount that  
14 bears the same ratio to the amount appro-  
15 priated for that fiscal year as the amount made  
16 available under section 1124 to the State for  
17 the preceding fiscal year bears to the total  
18 amount allocated under section 1124 to all  
19 States for that year.

20 “(C) REALLOCATION.—If a State does not  
21 apply for funds under this section, the Sec-  
22 retary shall reallocate such funds to other  
23 States that do apply in proportion to the  
24 amount allocated to such States under subpara-  
25 graph (B).

1 “(c) STATE AWARDS.—

2 “(1) STATE APPLICATION.—

3 “(A) IN GENERAL.—Each State edu-  
4 cational agency that desires to receive a grant  
5 under this section shall submit an application to  
6 the Secretary at such time, in such manner and  
7 containing such other information as the Sec-  
8 retary may reasonably require.

9 “(B) CONTENTS.—Each State application  
10 shall also describe—

11 “(i) the process and selection criteria  
12 by which the State educational agency,  
13 using expert review, will select local edu-  
14 cational agencies to receive subgrants  
15 under this section;

16 “(ii) how the agency will ensure that  
17 only comprehensive school reforms that are  
18 based on scientifically based research re-  
19 ceive funds under this section;

20 “(iii) how the agency will disseminate  
21 materials regarding information on com-  
22 prehensive school reforms that are based  
23 on scientifically based research;

24 “(iv) how the agency will evaluate the  
25 implementation of such reforms and meas-

1           ure the extent to which the reforms re-  
2           sulted in increased student academic per-  
3           formance; and

4           “(v) how the agency will provide, upon  
5           request, technical assistance to the local  
6           educational agency in evaluating, devel-  
7           oping, and implementing comprehensive  
8           school reform.

9           “(2) USES OF FUNDS.—

10           “(A) IN GENERAL.—Except as provided in  
11           subparagraph (E), a State educational agency  
12           that receives an award under this section shall  
13           use such funds to provide competitive grants to  
14           local educational agencies receiving funds under  
15           part A.

16           “(B) GRANT REQUIREMENTS.—A grant to  
17           a local educational agency shall be—

18           “(i) of sufficient size and scope to  
19           support the initial costs for the particular  
20           comprehensive school reform plan selected  
21           or designed by each school identified in the  
22           application of the local educational agency;

23           “(ii) in an amount not less than  
24           \$50,000 to each participating school; and

1 “(iii) renewable for two additional 1-  
2 year periods after the initial 1-year grant  
3 is made if schools are making substantial  
4 progress in the implementation of their re-  
5 forms.

6 “(C) PRIORITY.—The State, in awarding  
7 grants under this paragraph, shall give priority  
8 to local educational agencies that—

9 “(i) plan to use the funds in schools  
10 identified as being in need of improvement  
11 or corrective action under section 1116(c);  
12 and

13 “(ii) demonstrate a commitment to  
14 assist schools with budget allocation, pro-  
15 fessional development, and other strategies  
16 necessary to ensure the comprehensive  
17 school reforms are properly implemented  
18 and are sustained in the future.

19 “(D) GRANT CONSIDERATION.—In making  
20 subgrant awards under this part, the State edu-  
21 cational agency shall take into account the equi-  
22 table distribution of awards to different geo-  
23 graphic regions within the State, including  
24 urban and rural areas, and to schools serving  
25 elementary and secondary students.

1           “(E) ADMINISTRATIVE COSTS.—A State  
 2           educational agency that receives a grant award  
 3           under this section may reserve not more than 5  
 4           percent of such award for administrative, eval-  
 5           uation, and technical assistance expenses.

6           “(F) SUPPLEMENT.—Funds made avail-  
 7           able under this section shall be used to supple-  
 8           ment, not supplant, any other Federal, State,  
 9           or local funds that would otherwise be available  
 10          to carry out this section.

11          “(3) REPORTING.—Each State educational  
 12          agency that receives an award under this section  
 13          shall provide to the Secretary such information as  
 14          the Secretary may require, including the names of  
 15          local educational agencies and schools selected to re-  
 16          ceive subgrant awards under this section, the  
 17          amount of such award, and a description of the com-  
 18          prehensive school reform model selected and in use.

19          “(d) LOCAL AWARDS.—

20                 “(1) IN GENERAL.—Each local educational  
 21          agency that applies for a subgrant under this section  
 22          shall—

23                         “(A) identify which schools eligible for  
 24          funds under part A plan to implement a com-

1           comprehensive school reform program, including the  
2           projected costs of such a program;

3           “(B) describe the scientifically based com-  
4           prehensive school reforms that such schools will  
5           implement;

6           “(C) describe how the agency will provide  
7           technical assistance and support for the effec-  
8           tive implementation of the scientifically based  
9           school reforms selected by such schools; and

10          “(D) describe how the agency will evaluate  
11          the implementation of such reforms and meas-  
12          ure the results achieved in improving student  
13          academic performance.

14          “(2) COMPONENTS OF THE PROGRAM.—A local  
15          educational agency that receives a subgrant award  
16          under this section shall provide such funds to  
17          schools that implement a comprehensive school re-  
18          form program that—

19               “(A) employs innovative strategies and  
20               proven methods for student learning, teaching,  
21               and school management that are based on sci-  
22               entifically based research and effective practices  
23               and have been replicated successfully in schools  
24               with diverse characteristics;

1           “(B) integrates a comprehensive design for  
2           effective school functioning, including instruc-  
3           tion, assessment, classroom management, pro-  
4           fessional development, parental involvement,  
5           and school management, that aligns the school’s  
6           curriculum, technology, professional develop-  
7           ment into a comprehensive reform plan for  
8           schoolwide change designed to enable all stu-  
9           dents to meet challenging State content and  
10          challenging student performance standards and  
11          addresses needs identified through a school  
12          needs assessment;

13           “(C) provides high-quality and continuous  
14          teacher and staff professional development;

15           “(D) includes measurable goals for student  
16          performance and benchmarks for meeting such  
17          goals;

18           “(E) is supported by teachers, principals,  
19          administrators, and other professional staff;

20           “(F) provides for the meaningful involve-  
21          ment of parents and the local community in  
22          planning and implementing school improvement  
23          activities;

24           “(G) uses high quality external technical  
25          support and assistance from an entity, which

1           may be an institution of higher education, with  
 2           experience and expertise in schoolwide reform  
 3           and improvement;

4           “(H) includes a plan for the evaluation of  
 5           the implementation of school reforms and the  
 6           student results achieved; and

7           “(I) identifies how other resources, includ-  
 8           ing Federal, State, local, and private resources,  
 9           available to the school will be used to coordinate  
 10          services to support and sustain the school re-  
 11          form effort.

12          “(3) SPECIAL RULE.—A school that receives  
 13          funds to develop a comprehensive school reform pro-  
 14          gram shall not be limited to using the approaches  
 15          identified or developed by the Department of Edu-  
 16          cation, but may develop its own comprehensive  
 17          school reform programs for schoolwide change that  
 18          comply with paragraph (2).

19          “(e) EVALUATION AND REPORT.—

20                 “(1) IN GENERAL.—The Secretary shall develop  
 21          a plan for a national evaluation of the programs de-  
 22          veloped pursuant to this section.

23                 “(2) EVALUATION.—This national evaluation  
 24          shall evaluate the implementation and results  
 25          achieved by schools after 3 years of implementing

1 comprehensive school reforms, and assess the effective-  
 2 tiveness of comprehensive school reforms in schools  
 3 with diverse characteristics.

4 “(3) REPORTS.—Prior to the completion of a  
 5 national evaluation, the Secretary shall submit an  
 6 interim report outlining first year implementation  
 7 activities to the Committees on Education and the  
 8 Workforce and Appropriations of the House of Rep-  
 9 resentatives and the Committees on Health, Edu-  
 10 cation, Labor, and Pensions and Appropriations of  
 11 the Senate.

12 “(f) DEFINITION.—The term ‘scientifically based  
 13 research’—

14 “(1) means the application of rigorous, system-  
 15 atic, and objective procedures in the development of  
 16 comprehensive school reform models; and

17 “(2) shall include research that—

18 “(A) employs systematic, empirical meth-  
 19 ods that draw on observation or experiment;

20 “(B) involves rigorous data analyses that  
 21 are adequate to test the stated hypotheses and  
 22 justify the general conclusions drawn;

23 “(C) relies on measurements or observa-  
 24 tional methods that provide valid data across

1           evaluator and observers and across multiple  
2           measurements and observations; and

3                   “(D) has been accepted by a peer-reviewed  
4           journal or approved by a panel of independent  
5           experts through a comparably rigorous, objec-  
6           tive, and scientific review.

7           “(g) AUTHORIZATION OF APPROPRIATIONS.—Funds  
8   appropriated for any fiscal year under section 1002(f)  
9   shall be used for carrying out the activities under this sec-  
10   tion.”.

## 11       **PART F—RURAL EDUCATION DEVELOPMENT**

### 12                   **INITIATIVE**

#### 13   **SEC. 171. RURAL EDUCATION DEVELOPMENT INITIATIVE.**

14       Title I (20 U.S.C. 6301 et seq.) is amended—

15           (1) by redesignating part F (20 U.S.C. 6511 et  
16       seq.) as part G;

17           (2) by redesignating sections 1601 through  
18       1604 (20 U.S.C. 6511, 6514) as sections 1701  
19       through 1704, respectively, and by redesignating ac-  
20       cordingly the references to such sections in part G  
21       (as so redesignated); and

22           (3) by inserting after part E (20 U.S.C. 6491  
23       et seq.) the following:

1     **“PART F—RURAL EDUCATION DEVELOPMENT**  
2                             **INITIATIVE**

3     **“SEC. 1601. FINDINGS.**

4         “Congress makes the following findings:

5             “(1) The National Center for Educational Sta-  
6             tistics reports that 46 percent of our Nation’s public  
7             elementary schools and secondary schools serve rural  
8             areas.

9             “(2) While there are rural education initiatives  
10            identified at the State and local level, no Federal  
11            education policy focuses on the specific and unique  
12            needs of rural school districts and schools, especially  
13            those that serve poor students.

14            “(3) A critical problem for rural school districts  
15            involves the hiring and retention of qualified admin-  
16            istrators and certified teachers, especially in science  
17            and mathematics. Consequently, teachers in rural  
18            schools are almost twice as likely to provide instruc-  
19            tion in 3 or more subject areas than teachers in  
20            urban schools. Rural schools also face other tough  
21            challenges, such as shrinking local tax bases, high  
22            transportation costs, aging buildings, limited course  
23            offerings, and limited resources.

24            “(4) Data from the National Assessment of  
25            Educational Progress (NAEP) consistently shows  
26            large gaps between the achievement of students in

1 high poverty schools and those in other schools.  
 2 High-poverty schools will face special challenges in  
 3 preparing their students to reach high standards of  
 4 performance on State and national assessments.

5 **“SEC. 1602. DEFINITIONS.**

6 “In this part:

7 “(1) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
 8 CY.—The term ‘eligible local educational agency’  
 9 means a local educational agency that serves—

10 “(A) a school-age population, not less than  
 11 15 percent of which consists of students from  
 12 families with incomes below the poverty line;  
 13 and

14 “(B)(i) a rural locality; or

15 “(ii) a school-age population of not more  
 16 than 800 students.

17 “(2) METROPOLITAN AREA.—The term ‘metro-  
 18 politan area’ means an area defined as such by the  
 19 Secretary of Commerce.

20 “(3) POVERTY LINE.—The term ‘poverty line’  
 21 means the poverty line (as defined by the Office of  
 22 Management and Budget, and revised annually in  
 23 accordance with section 673(2) of the Community  
 24 Services Block Grant Act (42 U.S.C. 9902(2))) ap-  
 25 plicable to a family of the size involved.

1           “(4) RURAL LOCALITY.—The term ‘rural local-  
2           ity’ means a locality that is not within a metropoli-  
3           tan area.

4           “(5) STATE.—The term ‘State’ means each of  
5           the several States of the United States, the District  
6           of Columbia, and the Commonwealth of Puerto Rico.

7           “(6) SCHOOL AGE POPULATION.—The term  
8           ‘school age population’ means the number of stu-  
9           dents aged 5 through 17.

10   **“SEC. 1603. PROGRAM AUTHORIZED.**

11           “(a) GRANTS AUTHORIZED.—The Secretary shall  
12           award grants, from allotments under subsection (b)(2), to  
13           each State having an application approved under section  
14           1604 to enable the State educational agency to award  
15           grants to eligible local educational agencies to carry out  
16           local authorized activities described in section 1605(b).

17           “(b) RESERVATION AND ALLOTMENTS.—

18           “(1) RESERVATION.—From amounts appro-  
19           priated under section 1608 for each fiscal year, the  
20           Secretary shall reserve  $\frac{1}{2}$  of 1 percent of such  
21           amount for payments to the Secretary of the Inte-  
22           rior for activities approved by the Secretary, con-  
23           sistent with this subpart, in elementary schools and  
24           secondary schools operated or supported by the Bu-

reau of Indian Affairs, on the basis of their respective needs for assistance under this part.

“(2) ALLOTMENTS.—

“(A) IN GENERAL.—From the amounts appropriated under section 1608 for each fiscal year that remain after making the reservation under paragraph (1), the Secretary shall allot to each State having an application approved under section 1604 an amount that bears the same relationship to the remainder as the school age population served by eligible local educational agencies in the State bears to the school age population served by eligible local educational agencies in all States.

“(B) DATA.—In determining the school age population under subparagraph (A), the Secretary shall use the most recent data available from the Bureau of the Census.

“(c) DIRECT AWARDS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

“(1) NONPARTICIPATING STATE.—If a State educational agency for a fiscal year elects not to participate in a program under this section, or does not have an application approved under section 1604, an eligible local educational agency in such State desir-

1       ing a grant under this part for the fiscal year shall  
2       apply directly to the Secretary to receive a grant  
3       under this subsection.

4           “(2) DIRECT AWARDS.—The Secretary may  
5       award, on a competitive basis, the amount the State  
6       educational agency is eligible to receive under sub-  
7       section (b)(2) directly to eligible local educational  
8       agencies in the State desiring a grant under para-  
9       graph (1).

10          “(3) ADMINISTRATIVE FUNDS.—An eligible  
11       local educational agency that receives a direct grant  
12       under this subsection may use not more than 1 per-  
13       cent of the grant funds for the administrative costs  
14       of carrying out this part in the first year the agency  
15       receives a grant under this subsection and 0.5 per-  
16       cent for such costs in the second and each suc-  
17       ceeding such year.

18          “(d) MATCHING REQUIREMENT.—Each eligible local  
19       educational agency receiving a grant under subsection (c)  
20       or section 1605(a) shall contribute resources with respect  
21       to the local authorized activities to be assisted under this  
22       part in cash or in-kind, from non-Federal sources, in an  
23       amount equal to the Federal funds awarded under the  
24       grant.

1       “(e) RELATION TO OTHER FEDERAL FUNDING.—  
 2 Funds received under this part by a State educational  
 3 agency or an eligible local educational agency shall not be  
 4 taken into consideration in determining the eligibility for,  
 5 or amount of, any other Federal funding awarded to such  
 6 agencies.

7       **“SEC. 1604. APPLICATIONS.**

8       “(a) IN GENERAL.—Each State educational agency  
 9 desiring a grant under section 1603 and eligible local edu-  
 10 cational agency desiring a grant under section 1603(c)  
 11 shall submit an application to the Secretary at such time,  
 12 in such manner, and accompanied by such information as  
 13 the Secretary may require.

14       “(b) CONTENTS.—Each application submitted under  
 15 subsection (a) shall—

16               “(1) specify annual, measurable performance  
 17 goals and objectives, at a minimum, with respect  
 18 to—

19                       “(A) increased student academic achieve-  
 20 ment;

21                       “(B) decreased gaps in achievement be-  
 22 tween minority and non-minority students, and  
 23 between economically disadvantaged and non-  
 24 economically disadvantaged students; and

1           “(C) other factors that the State edu-  
2           cational agency or eligible local educational  
3           agency may choose to measure;

4           “(2) describe how the State educational agency  
5           or eligible local educational agency will hold local  
6           educational agencies and elementary schools or sec-  
7           ondary schools receiving funds under this part ac-  
8           countable for meeting the annual, measurable goals  
9           and objectives;

10          “(3) describe how the State educational agency  
11          or eligible local educational agency will provide tech-  
12          nical assistance for a local educational agency, an el-  
13          ementary school, or a secondary school that does not  
14          meet the annual, measurable goals and objectives;  
15          and

16          “(4) describe how the State educational agency  
17          or eligible local educational agency will take action  
18          against a local educational agency, an elementary  
19          school, or a secondary school, if the local educational  
20          agency or school fails, over 2 consecutive years, to  
21          meet the annual, measurable goals and objectives.

22   **“SEC. 1605. WITHIN-STATE ALLOCATIONS.**

23          “(a) ALLOCATIONS.—A State educational agency  
24          shall award grants under this part to eligible local edu-  
25          cational agencies within the State according to a formula

1 developed by the State educational agency and approved  
2 by the Secretary.

3 “(b) USES OF FUNDS.—Grant funds awarded to eli-  
4 gible local educational agencies or made available to ele-  
5 mentary schools and secondary schools under this section  
6 shall be used for—

7 “(1) educational technology, including software  
8 and hardware;

9 “(2) professional development;

10 “(3) technical assistance;

11 “(4) recruitment and retention of fully qualified  
12 teachers, as defined in title II, and highly qualified  
13 principals;

14 “(5) parental involvement activities; or

15 “(6) academic enrichment or other education  
16 programs.

17 “(c) RESERVATION OF ADMINISTRATIVE FUNDS.—

18 “(1) FIRST YEAR.—For the first year that a  
19 State educational agency receives a grant under this  
20 part, the agency—

21 “(A) shall use not less than 99 percent of  
22 the grant funds to award grants to eligible local  
23 educational agencies in the State; and

1           “(B) may use not more than 1 percent for  
 2           State activities and the administrative costs of  
 3           carrying out this part.

4           “(2) SUCCEEDING YEARS.—For the second and  
 5           each succeeding year that a State educational agen-  
 6           cy receives a grant under this part, the agency—

7           “(A) shall use not less than 99.5 percent  
 8           of the grant funds to award grants to eligible  
 9           local educational agencies in the State; and

10           “(B) may use not more than 0.5 percent of  
 11           the grant funds for State activities and the ad-  
 12           ministrative costs of carrying out this part.

13   **“SEC. 1606. ACCOUNTABILITY.**

14       The Secretary, at the end of the third year that a  
 15       State educational agency or an eligible local educational  
 16       agency receiving a direct award under section 1603(c) par-  
 17       ticipates in the program under this part, shall permit only  
 18       those State educational agencies and eligible local edu-  
 19       cational agencies that meet their annual, measurable goals  
 20       and objectives for 2 consecutive years to receive grant  
 21       funds for the fourth or fifth fiscal years of the program  
 22       under this part.

23   **“SEC. 1607. REPORTS.**

24       “(a) STATE REPORTS.—Each State educational  
 25       agency that receives a grant under this part shall provide

1 an annual report to the Secretary. The report shall  
2 describe—

3 “(1) the method the State educational agency  
4 used to award grants to eligible local educational  
5 agencies and to provide assistance to elementary  
6 schools and secondary schools under this part;

7 “(2) how eligible local educational agencies and  
8 elementary schools and secondary schools within the  
9 State used the grant funds provided under this part;  
10 and

11 “(3) the degree to which progress has been  
12 made toward meeting the annual, measurable goals  
13 and objectives described in the State application.

14 “(b) REPORTS FROM ELIGIBLE LOCAL EDU-  
15 CATIONAL AGENCIES.—Each eligible local educational  
16 agency receiving a grant under section 1603(c) shall pro-  
17 vide an annual report to the Secretary. Such report shall  
18 describe—

19 “(1) how such agency used the grant funds pro-  
20 vided under this part;

21 “(2) the degree to which progress has been  
22 made toward meeting the annual, measurable goals  
23 and objectives described in the eligible local edu-  
24 cational agency’s application; and

1           “(3) how the local educational agency coordi-  
 2           nated funds received under this part with other Fed-  
 3           eral, State, and local funds.

4           “(c) REPORT TO CONGRESS.—The Secretary shall  
 5           prepare and submit to Congress an annual report setting  
 6           forth the information provided to the Secretary pursuant  
 7           to subsections (a) and (b).

8           “(d) STUDY.—The Comptroller General of the United  
 9           States shall conduct a study regarding the impact of as-  
 10          sistance provided under this part on student achievement,  
 11          and shall submit such study to Congress.

12       **“SEC. 1608. AUTHORIZATION OF APPROPRIATIONS.**

13           “‘There are authorized to be appropriated to carry out  
 14          this part \$200,000,000 for fiscal year 2001 and such sums  
 15          as may be necessary for each of the 4 succeeding fiscal  
 16          years.’”.

17               **PART G—GENERAL PROVISIONS**

18       **SEC. 181. FEDERAL REGULATIONS.**

19           Section 1701(b)(4) (20 U.S.C. 6511(b)(4)) (as redес-  
 20          ignated by section 161(2)) is amended by striking “July  
 21          1, 1995” and inserting “May 1, 2000”.

22       **SEC. 182. STATE ADMINISTRATION.**

23           Section 1703 (20 U.S.C. 6513) (as redesignated by  
 24          section 161(2)) is amended by striking subsection (c).

1 **TITLE II—TEACHER AND PRIN-**  
 2 **CIPAL QUALITY, PROFES-**  
 3 **SIONAL DEVELOPMENT, AND**  
 4 **CLASS SIZE**

5 **SEC. 201. TEACHER AND PRINCIPAL QUALITY, PROFES-**  
 6 **SIONAL DEVELOPMENT, AND CLASS SIZE.**

7 Title II (20 U.S.C. 6601 et seq.) is amended to read  
 8 as follows:

9 **“TITLE II—TEACHER AND PRIN-**  
 10 **CIPAL QUALITY, PROFES-**  
 11 **SIONAL DEVELOPMENT, AND**  
 12 **CLASS SIZE**

13 **“SEC. 2001. PURPOSE.**

14 “The purpose of this title is to provide grants to  
 15 State educational agencies and local educational agencies  
 16 in order to assist their efforts to increase student academic  
 17 achievement through such strategies as improving teacher  
 18 and principal quality, increasing professional development,  
 19 and decreasing class size.

20 **“SEC. 2002. DEFINITIONS.**

21 “In this title:

22 “(1) **FULLY QUALIFIED.**—The term ‘fully quali-  
 23 fied’ means—

24 “(A) in the case of an elementary school  
 25 teacher (other than a teacher teaching in a pub-

1           lic charter school), a teacher who, at a  
2           minimum—

3                   “(i) has obtained State certification  
4                   (which may include certification obtained  
5                   through alternative means), or a State li-  
6                   cense, to teach in the State in which the  
7                   teacher teaches;

8                   “(ii) holds a bachelor’s degree from  
9                   an institution of higher education; and

10                   “(iii) demonstrates subject matter  
11                   knowledge, teaching knowledge, and the  
12                   teaching skills required to teach effectively  
13                   reading, writing, mathematics, science, so-  
14                   cial studies, and other elements of a liberal  
15                   arts education; and

16                   “(B) in the case of a secondary school  
17           teacher (other than a teacher teaching in a pub-  
18           lic charter school), a teacher who, at a  
19           minimum—

20                   “(i) has obtained State certification  
21                   (which may include certification obtained  
22                   through alternative means), or a State li-  
23                   cense, to teach in the State in which the  
24                   teacher teaches;

1 “(ii) holds a bachelor’s degree from  
 2 an institution of higher education; and

3 “(iii) demonstrates a high level of  
 4 competence in all subject areas in which  
 5 the teacher teaches through—

6 “(I) completion of an academic  
 7 major (or courses totaling an equiva-  
 8 lent number of credit hours) in each  
 9 of the subject areas in which the  
 10 teacher provides instruction;

11 “(II) achievement of a high level  
 12 of performance in other professional  
 13 employment experience in subject  
 14 areas relevant to the subject areas in  
 15 which the teacher provides instruc-  
 16 tion; or

17 “(III) achievement of a high level  
 18 of performance on rigorous academic  
 19 subject area tests administered by the  
 20 State in which the teacher teaches.

21 “(2) INSTITUTION OF HIGHER EDUCATION.—

22 The term ‘institution of higher education’ means an  
 23 institution of higher education, as defined in section  
 24 101 of the Higher Education Act of 1965, that—

1           “(A) has not been identified as low per-  
2           forming under section 208 of the Higher Edu-  
3           cation Act of 1965; and

4           “(B) is in full compliance with the public  
5           reporting requirements described in section 207  
6           of the Higher Education Act of 1965.

7           “(3) OUTLYING AREA.—The term ‘outlying  
8           area’ means the United States Virgin Islands,  
9           Guam, American Samoa, and the Commonwealth of  
10          the Northern Mariana Islands.

11          “(4) POVERTY LINE.—The term ‘poverty line’  
12          means the poverty line (as defined by the Office of  
13          Management and Budget, and revised annually in  
14          accordance with section 673(2) of the Community  
15          Services Block Grant Act) applicable to a family of  
16          the size involved, for the most recent year.

17          “(5) SCHOOL-AGE POPULATION.—The term  
18          ‘school-age population’ means the population aged 5  
19          through 17, as determined on the basis of the most  
20          recent satisfactory data.

21          “(6) STATE.—The term ‘State’ means each of  
22          the several States in the United States, the District  
23          of Columbia, and the Commonwealth of Puerto Rico.

1     **“PART A—TEACHER AND PRINCIPAL QUALITY**  
 2             **AND PROFESSIONAL DEVELOPMENT**

3     **“SEC. 2011. PROGRAM AUTHORIZED.**

4             “(a) GRANTS AUTHORIZED.—The Secretary shall  
 5     award a grant, from allotments made under subsection  
 6     (b), to each State having a State plan approved under sec-  
 7     tion 2013, to enable the State to raise the quality of, and  
 8     provide professional development opportunities for, public  
 9     elementary school and secondary school teachers, prin-  
 10    cipals, and administrators.

11            “(b) RESERVATIONS AND ALLOTMENTS.—

12               “(1) RESERVATIONS.—From the amount appro-  
 13     priated under section 2023 to carry out this part for  
 14     each fiscal year, the Secretary shall reserve—

15                “(A)  $\frac{1}{2}$  of 1 percent of such amount for  
 16     payments to the Bureau of Indian Affairs for  
 17     activities, approved by the Secretary, consistent  
 18     with this part;

19                “(B)  $\frac{1}{2}$  of 1 percent of such amount for  
 20     payments to outlying areas, to be allotted in ac-  
 21     cordance with their respective needs as deter-  
 22     mined by the Secretary, for activities, approved  
 23     by the Secretary, consistent with this part; and

24                “(C) such sums as may be necessary to  
 25     continue to support any multiyear partnership  
 26     program award made under parts A, C, and D

1 (as such parts were in effect on the day pre-  
 2 ceding the date of enactment of the Public Edu-  
 3 cation Reinvestment, Reinvention, and Respon-  
 4 sibility Act) until the termination of the  
 5 multiyear award.

6 “(2) STATE ALLOTMENTS.—From the amount  
 7 appropriated under section 2023 for a fiscal year  
 8 and remaining after the Secretary makes reserva-  
 9 tions under paragraph (1), the Secretary shall allot  
 10 to each State having a State plan approved under  
 11 section 2013 the sum of—

12 “(A) an amount that bears the same rela-  
 13 tionship to 50 percent of the remainder as the  
 14 school-age population from families with in-  
 15 comes below the poverty line in the State bears  
 16 to the school-age population from families with  
 17 incomes below the poverty line in all States; and

18 “(B) an amount that bears the same rela-  
 19 tionship to 50 percent of the remainder as the  
 20 school-age population in the State bears to the  
 21 school-age population in all States.

22 “(c) STATE MINIMUM.—For any fiscal year, no State  
 23 shall be allotted under this section an amount that is less  
 24 than  $\frac{1}{2}$  of 1 percent of the total amount allotted to all  
 25 States under subsection (b)(2).

1       “(d) **HOLD-HARMLESS AMOUNTS.**—For fiscal year  
 2 2001, notwithstanding subsection (b)(2), the amount al-  
 3 lotted to each State under this section shall be not less  
 4 than 100 percent of the total amount the State was allot-  
 5 ted under part B (as such part was in effect on the day  
 6 preceding the date of enactment of the Public Education  
 7 Reinvestment, Reinvention, and Responsibility Act) for  
 8 the preceding fiscal year.

9       “(e) **RATABLE REDUCTIONS.**—If the sums made  
 10 available under subsection (b)(2) for any fiscal year are  
 11 insufficient to pay the full amounts that all States are eli-  
 12 gible to receive under subsection (d) for such year, the  
 13 Secretary shall ratably reduce such amounts for such year.

14 **“SEC. 2012. WITHIN STATE ALLOCATION.**

15       “(a) **IN GENERAL.**—Each State educational agency  
 16 for a State receiving a grant under section 2011(a) shall—

17               “(1) set aside 10 percent of the grant funds to  
 18       award educator partnership grants under section  
 19       2021;

20               “(2) set aside not more than 5 percent of the  
 21       grant funds to carry out activities described the  
 22       State plan submitted under section 2013; and

23               “(3) using the remaining 85 percent of the  
 24       grant funds, make subgrants by allocating to each  
 25       local educational agency in the State the sum of—

1           “(A) an amount that bears the same rela-  
2           tionship to 60 percent of the remainder as the  
3           school-age population from families with in-  
4           comes below the poverty line in the area served  
5           by the local educational agency bears to the  
6           school-age population from families with in-  
7           comes below the poverty line in the area served  
8           by all local educational agencies in the State;  
9           and

10           “(B) an amount that bears the same rela-  
11           tionship to 40 percent of the remainder as the  
12           school-age population in the area served by the  
13           local educational agency bears to the school-age  
14           population in the area served by all local edu-  
15           cational agencies in the State.

16           “(b) HOLD-HARMLESS AMOUNTS.—

17           “(1) FISCAL YEAR 2001.—For fiscal year 2001,  
18           notwithstanding subsection (a), the amount allocated  
19           to each local educational agency under this section  
20           shall be not less than 100 percent of the total  
21           amount the local educational agency was allocated  
22           under this title (as in effect on the day preceding the  
23           date of enactment of the Public Education Reinvest-  
24           ment, Reinvention, and Responsibility Act) for fiscal  
25           year 2000.

1           “(2) FISCAL YEAR 2002.—For fiscal year 2002,  
2       notwithstanding subsection (a), the amount allocated  
3       to each local educational agency under this section  
4       shall be not less than 85 percent of the amount allo-  
5       cated to the local educational agency under this sec-  
6       tion for fiscal year 2001.

7           “(3) FISCAL YEARS 2003–2005.—For each of fis-  
8       cal years 2003 through 2005, notwithstanding sub-  
9       section (a), the amount allocated to each local edu-  
10      cational agency under this section shall be not less  
11      than 70 percent of the amount allocated to the local  
12      educational agency under this section for the pre-  
13      vious fiscal year.

14          “(c) Ratable Reductions.—If the sums made  
15      available under subsection (a)(3) for any fiscal year are  
16      insufficient to pay the full amounts that all local edu-  
17      cational agencies are eligible to receive under subsection  
18      (b) for such year, the State educational agency shall rat-  
19      ably reduce such amounts for such year.

20      **“SEC. 2013. STATE PLANS.**

21          “(a) PLAN REQUIRED.—

22              “(1) Comprehensive State Plan.—The enti-  
23      ty or agency responsible for teacher certification or  
24      licensing under the laws of the State desiring a  
25      grant under this part shall submit a State plan to

1 the Secretary at such time, in such manner, and ac-  
 2 companied by such information as the Secretary may  
 3 require. If the State educational agency is not the  
 4 entity or agency designated under the laws of the  
 5 State as responsible for teacher certification or li-  
 6 censing in the State, then the plan shall be devel-  
 7 oped in consultation with the State educational  
 8 agency. The entity or agency shall provide annual  
 9 evidence of such consultation to the Secretary.

10 “(2) CONSOLIDATED PLAN.—A State plan sub-  
 11 mitted under paragraph (1) may be submitted as  
 12 part of a consolidated plan under section 8302.

13 “(b) CONTENTS.—Each plan submitted under sub-  
 14 section (a) shall—

15 “(1) describe how the State is taking reasonable  
 16 steps to—

17 “(A) reform teacher certification, recertifi-  
 18 cation, or licensure requirements to ensure  
 19 that—

20 “(i) teachers have the necessary  
 21 teaching skills and academic content  
 22 knowledge in the academic subjects in  
 23 which the teachers are assigned to teach;

1                   “(ii) such requirements are aligned  
2                   with the challenging State content stand-  
3                   ards;

4                   “(iii) teachers have the knowledge and  
5                   skills necessary to help students meet the  
6                   challenging State student performance  
7                   standards;

8                   “(iv) such requirements take into ac-  
9                   count the need, as determined by the  
10                  State, for greater access to, and participa-  
11                  tion in, the teaching profession by individ-  
12                  uals from historically underrepresented  
13                  groups; and

14                  “(v) teachers have the necessary tech-  
15                  nological skills to integrate more effectively  
16                  technology in the teaching of content re-  
17                  quired by State and local standards in all  
18                  academic subjects in which the teachers  
19                  provide instruction;

20                  “(B) develop and implement rigorous test-  
21                  ing procedures for teachers, as required in sec-  
22                  tion 2002(1)(A), to ensure that the teachers  
23                  have teaching skills and academic content  
24                  knowledge necessary to teach effectively the  
25                  content called for by State and local standards

1 in all academic subjects in which the teachers  
2 provide instruction;

3 “(C) establish, expand, or improve alter-  
4 native routes to State certification of teachers,  
5 especially in the areas of mathematics and  
6 science, for highly qualified individuals with a  
7 baccalaureate degree, including mid-career pro-  
8 fessionals from other occupations, paraprofes-  
9 sionals, former military personnel, and recent  
10 college or university graduates who have  
11 records of academic distinction and who dem-  
12 onstrate the potential to become highly effective  
13 teachers;

14 “(D) reduce emergency teacher certifi-  
15 cation;

16 “(E) develop and implement effective pro-  
17 grams, and provide financial assistance, to as-  
18 sist local educational agencies, elementary  
19 schools, and secondary schools in effectively re-  
20 cruiting and retaining fully qualified teachers  
21 and principals, particularly in schools that have  
22 the lowest proportion of fully qualified teachers  
23 or the highest proportion of low-performing stu-  
24 dents;

1           “(F) provide professional development pro-  
2           grams that meet the requirements described in  
3           section 2019;

4           “(G) provide programs that are designed  
5           to assist new teachers during their first 3 years  
6           of teaching, such as mentoring programs that—

7               “(i) provide mentoring to new teach-  
8               ers from veteran teachers with expertise in  
9               the same subject matter as the new teach-  
10              ers are teaching;

11              “(ii) provide mentors time for activi-  
12              ties such as coaching, observing, and as-  
13              sisting teachers who are being mentored;  
14              and

15              “(iii) use standards or assessments  
16              that are consistent with the State’s student  
17              performance standards and the require-  
18              ments for professional development activi-  
19              ties described in section 2019 in order to  
20              guide the new teachers;

21           “(H) provide technical assistance to local  
22           educational agencies in developing and imple-  
23           menting activities described in section 2018;  
24           and

1           “(I) ensure that programs in core aca-  
2           demic subjects, particularly in mathematics and  
3           science, will take into account the need for  
4           greater access to, and participation in, such  
5           core academic subjects by students from histori-  
6           cally underrepresented groups, including fe-  
7           males, minorities, individuals with limited  
8           English proficiency, the economically disadvan-  
9           taged, and individuals with disabilities, by in-  
10          corporating pedagogical strategies and tech-  
11          niques that meet such students’ educational  
12          needs;

13          “(2) describe the activities for which assistance  
14          is sought under the grant, and how such activities  
15          will improve students’ academic achievement and  
16          close academic achievement gaps of low-income, mi-  
17          nority, and limited English proficient students;

18          “(3) describe how the State will establish an-  
19          nual numerical performance objectives under section  
20          2014 for improving the qualifications of teachers  
21          and the professional development of teachers, prin-  
22          cipals, and administrators;

23          “(4) contain an assurance that the State con-  
24          sulted with local educational agencies, education-re-  
25          lated community groups, nonprofit organizations,

1 parents, teachers, school administrators, local school  
2 boards, institutions of higher education in the State,  
3 and content specialists in establishing the perform-  
4 ance objectives described in section 2014;

5 “(5) describe how the State will hold local edu-  
6 cational agencies, elementary schools, and secondary  
7 schools accountable for meeting the performance ob-  
8 jectives described in section 2014 and for reporting  
9 annually on the local educational agencies’ and  
10 schools’ progress in meeting the performance objec-  
11 tives;

12 “(6) describe how the State will ensure that a  
13 local educational agency receiving a subgrant under  
14 section 2012 will comply with the requirements of  
15 this part;

16 “(7) provide an assurance that the State will  
17 require each local educational agency, elementary  
18 school, or secondary school receiving funds under  
19 this part to report publicly the local educational  
20 agency’s or school’s annual progress with respect to  
21 the performance objectives described in section  
22 2014; and

23 “(8) describe how the State will coordinate pro-  
24 fessional development activities authorized under  
25 this part with professional development activities

1 provided under other Federal, State, and local pro-  
 2 grams, including programs authorized under titles I  
 3 and III and, where appropriate, the Individuals with  
 4 Disabilities Education Act and the Carl D. Perkins  
 5 Vocational and Technical Education Act of 1998.

6 “(c) SECRETARY APPROVAL.—The Secretary shall,  
 7 using a peer review process, approve a State plan if the  
 8 plan meets the requirements of this section.

9 “(d) DURATION OF THE PLAN.—

10 “(1) IN GENERAL.—Each State plan shall—

11 “(A) remain in effect for the duration of  
 12 the State’s participation under this part; and

13 “(B) be periodically reviewed and revised  
 14 by the State, as necessary, to reflect changes to  
 15 the State’s strategies and programs carried out  
 16 under this part.

17 “(2) ADDITIONAL INFORMATION.—If a State  
 18 receiving a grant under this part makes significant  
 19 changes to the State plan, such as the adoption of  
 20 new performance objectives, the State shall submit  
 21 information regarding the significant changes to the  
 22 Secretary.

23 **“SEC. 2014. PERFORMANCE OBJECTIVES.**

24 “(a) IN GENERAL.—Each State receiving a grant  
 25 under this part shall establish annual numerical perform-

1   ance objectives with respect to progress in improving the  
 2   qualifications of teachers and the professional development  
 3   of teachers, principals, and administrators. For each an-  
 4   nual numerical performance objective established, the  
 5   State shall specify an incremental percentage increase for  
 6   the objective to be attained for each of the fiscal years  
 7   for which the State receives a grant under this part, rel-  
 8   ative to the preceding fiscal year.

9       “(b) REQUIRED OBJECTIVES.—At a minimum, the  
 10   annual numerical performance objectives described in sub-  
 11   section (a) shall include an incremental increase in the  
 12   percentage of—

13           “(1) classes in core academic subjects that are  
 14       being taught by fully qualified teachers;

15           “(2) new teachers and principals receiving pro-  
 16       fessional development support, including mentoring  
 17       for teachers, during the teachers’ first 3 years of  
 18       teaching;

19           “(3) teachers, principals, and administrators  
 20       participating in high quality professional develop-  
 21       ment programs that are consistent with section  
 22       2019; and

23           “(4) fully qualified teachers teaching in the  
 24       State, to ensure that all teachers teaching in such  
 25       State are fully qualified by December 31, 2005.

1       “(c) REQUIREMENT FOR FULLY QUALIFIED TEACH-  
 2   ERS.—Each State receiving a grant under this part shall  
 3   ensure that all public elementary school and secondary  
 4   school teachers in the State are fully qualified not later  
 5   than December 31, 2005.

6       “(d) ACCOUNTABILITY.—

7               “(1) IN GENERAL.—Each State receiving a  
 8       grant under this part shall be held accountable for—

9                       “(A) meeting the State’s annual numerical  
 10                      performance objectives; and

11                     “(B) meeting the reporting requirements  
 12                      described in section 4401.

13               “(2) SANCTIONS.—Any State that fails to meet  
 14       the requirement described in paragraph (1)(A) shall  
 15       be subject to sanctions under section 7001.

16       “(e) SPECIAL RULE.—Notwithstanding any other  
 17   provision of law, the provisions of subsection (c) shall not  
 18   supersede State laws governing public charter schools.

19       “(f) COORDINATION.—Each State that receives a  
 20   grant under this part and a grant under section 202 of  
 21   the Higher Education Act of 1965 shall coordinate the  
 22   activities the State carries out under such section 202 with  
 23   the activities the State carries out under this section.

1 **“SEC. 2015. OPTIONAL ACTIVITIES.**

2 “Each State receiving a grant under section 2011(a)  
3 may use the grant funds—

4 “(1) to develop and implement a system to  
5 measure the effectiveness of specific professional de-  
6 velopment programs and strategies;

7 “(2) to increase the portability of teacher pen-  
8 sions and reciprocity of teaching certification or li-  
9 censure among States, except that no reciprocity  
10 agreement developed under this section may lead to  
11 the weakening of any State teacher certification or  
12 licensing requirement;

13 “(3) to develop or assist local educational agen-  
14 cies in the development and utilization of proven, in-  
15 novative strategies to deliver intensive professional  
16 development programs that are cost effective and  
17 easily accessible, such as programs offered through  
18 the use of technology and distance learning;

19 “(4) to provide assistance to local educational  
20 agencies for the development and implementation of  
21 innovative professional development programs that  
22 train teachers to use technology to improve teaching  
23 and learning and that are consistent with the re-  
24 quirements of section 2019;

25 “(5) to provide professional development to en-  
26 able teachers to ensure that female students, minor-

1       ity students, limited English proficient students, stu-  
 2       dents with disabilities, and economically disadvan-  
 3       taged students have the full opportunity to achieve  
 4       challenging State content and performance stand-  
 5       ards in the core academic subjects;

6           “(6) to increase the number of women, minori-  
 7       ties, and individuals with disabilities who teach in  
 8       the State and who are fully qualified and provide in-  
 9       struction in core academic subjects in which such in-  
 10      dividuals are underrepresented; and

11          “(7) to increase the number of highly qualified  
 12      women, minorities, and individuals from other  
 13      underrepresented groups who are involved in the ad-  
 14      ministration of elementary schools and secondary  
 15      schools within the State.

16   **“SEC. 2016. STATE ADMINISTRATIVE EXPENSES.**

17          “Each State receiving a grant under section 2011(a)  
 18      may use not more than 5 percent of the amount set aside  
 19      in section 2012(a)(2) for the cost of—

20           “(1) planning and administering the activities  
 21      described in section 2013(b); and

22           “(2) making subgrants to local educational  
 23      agencies under section 2012.

1 **“SEC. 2017. LOCAL PLANS.**

2 “(a) IN GENERAL.—Each local educational agency  
3 desiring a grant from the State under section 2012(a)(3)  
4 shall submit a local plan to the State educational agency—

5 “(1) at such time, in such manner, and accom-  
6 panied by such information as the State educational  
7 agency may require; and

8 “(2) that describes how the local educational  
9 agency will coordinate the activities for which assist-  
10 ance is sought under this part with other programs  
11 carried out under this Act, or other Acts, as appro-  
12 priate.

13 “(b) LOCAL PLAN CONTENTS.—The local plan de-  
14 scribed in subsection (a) shall, at a minimum—

15 “(1) describe how the local educational agency  
16 will use the grant funds to meet the State perform-  
17 ance objectives for teacher qualifications and profes-  
18 sional development described in section 2014;

19 “(2) describe how the local educational agency  
20 will hold elementary schools and secondary schools  
21 accountable for meeting the requirements described  
22 in this part;

23 “(3) contain an assurance that the local edu-  
24 cational agency will target funds to elementary  
25 schools and secondary schools served by the local  
26 educational agency that—

1           “(A) have the lowest proportion of fully  
2           qualified teachers; and

3           “(B) are identified for school improvement  
4           under section 1116;

5           “(4) describe how the local educational agency  
6           will coordinate professional development activities  
7           authorized under section 2018(a) with professional  
8           development activities provided through other Fed-  
9           eral, State, and local programs, including those au-  
10          thorized under titles I and III and, where applicable,  
11          the Individuals with Disabilities Education Act and  
12          the Carl D. Perkins Vocational and Technical Edu-  
13          cation Act of 1998; and

14          “(5) describe how the local educational agency  
15          has collaborated with teachers, principals, parents,  
16          and administrators in the preparation of the local  
17          plan.

18 **“SEC. 2018. LOCAL ACTIVITIES.**

19          “(a) IN GENERAL.—Each local educational agency  
20          receiving a grant under section 2012(a)(3) shall use the  
21          grant funds to—

22                 “(1) support professional development activities,  
23                 consistent with section 2019, for—

24                         “(A) teachers, in at least the areas of  
25                         reading, mathematics, and science; and

1           “(B) teachers, principals, and administra-  
2           tors in order to provide such individuals with  
3           the knowledge and skills to provide all students,  
4           including female students, minority students,  
5           limited English proficient students, students  
6           with disabilities, and economically disadvan-  
7           taged students, with the opportunity to meet  
8           challenging State content and student perform-  
9           ance standards;

10          “(2) provide professional development to teach-  
11          ers, principals, and administrators to enhance the  
12          use of technology within elementary schools and sec-  
13          ondary schools in order to deliver more effective cur-  
14          ricula instruction;

15          “(3) recruit and retain fully qualified teachers  
16          and highly qualified principals, particularly for ele-  
17          mentary schools and secondary schools located in  
18          areas with high percentages of low-performing stu-  
19          dents and students from families below the poverty  
20          line;

21          “(4) recruit and retain fully qualified teachers  
22          and high quality principals to serve in the elemen-  
23          tary schools and secondary schools with the highest  
24          proportion of low-performing students, such as  
25          through—

1           “(A) mentoring programs for newly hired  
2 teachers, including programs provided by mas-  
3 ter teachers, and for newly hired principals; and

4           “(B) programs that provide other incen-  
5 tives, including financial incentives, to retain—

6               “(i) teachers who have a record of  
7 success in helping low-performing students  
8 improve those students’ academic success;  
9 and

10               “(ii) principals who have a record of  
11 improving the performance of all students,  
12 or significantly narrowing the gaps be-  
13 tween minority students and nonminority  
14 students, and economically disadvantaged  
15 students and noneconomically disadvan-  
16 tagged students, within the elementary  
17 schools or secondary schools served by the  
18 principals; and

19           “(5) provide professional development that in-  
20 corporates effective strategies, techniques, methods,  
21 and practices for meeting the educational needs of  
22 diverse groups of students, including female stu-  
23 dents, minority students, students with disabilities,  
24 limited English proficient students, and economically  
25 disadvantaged students.

1       “(b) OPTIONAL ACTIVITIES.—Each local educational  
 2 agency receiving a grant under section 2012(a)(3) may  
 3 use the subgrant funds—

4               “(1) to provide a signing bonus or other finan-  
 5 cial incentive, such as differential pay for—

6                       “(A) a teacher to teach in an academic  
 7 subject for which there exists a shortage of fully  
 8 qualified teachers within the elementary school  
 9 or secondary school in which the teacher teach-  
 10 es or within the elementary schools and sec-  
 11 ondary schools served by the local educational  
 12 agency; or

13                       “(B) a highly qualified principal in a  
 14 school in which there is a large percentage of  
 15 children—

16                               “(i) from low-income families; or

17                               “(ii) with high percentages of low-per-  
 18 formance scores on State assessments;

19       “(2) to establish programs that—

20                       “(A) recruit professionals into teaching  
 21 from other fields and provide such professionals  
 22 with alternative routes to teacher certification,  
 23 especially in the areas of mathematics, science,  
 24 and English language arts; and

1           “(B) provide increased teaching and ad-  
2           ministration opportunities for fully qualified fe-  
3           males, minorities, individuals with disabilities,  
4           and other individuals underrepresented in the  
5           teaching or school administration professions;

6           “(3) to establish programs and activities that  
7           are designed to improve the quality of the teacher  
8           and principal force, such as innovative professional  
9           development programs (which may be provided  
10          through partnerships, including partnerships with  
11          institutions of higher education), and including pro-  
12          grams that—

13               “(A) train teachers and principals to uti-  
14               lize technology to improve teaching and learn-  
15               ing; and

16               “(B) are consistent with the requirements  
17               of section 2019;

18           “(4) to provide collaboratively designed per-  
19           formance pay systems for teachers and principals  
20           that encourage teachers and principals to work to-  
21           gether to raise student performance;

22           “(5) to establish professional development pro-  
23           grams that provide instruction in how to teach chil-  
24           dren with different learning styles, particularly chil-  
25           dren with disabilities and children with special learn-

1 ing needs (including children who are gifted and tal-  
 2 ented);

3 “(6) to establish professional development pro-  
 4 grams that provide instruction in how best to dis-  
 5 cipline children in the classroom, and to identify  
 6 early and appropriate interventions to help children  
 7 described in paragraph (5) learn;

8 “(7) to provide professional development pro-  
 9 grams that provide instruction in how to teach char-  
 10 acter education in a manner that—

11 “(A) reflects the values of parents, teach-  
 12 ers, and local communities; and

13 “(B) incorporates elements of good char-  
 14 acter, including honesty, citizenship, courage,  
 15 justice, respect, personal responsibility, and  
 16 trustworthiness;

17 “(8) to provide scholarships or other incentives  
 18 to assist teachers in attaining national board certifi-  
 19 cation;

20 “(9) to support activities designed to provide ef-  
 21 fective professional development for teachers of lim-  
 22 ited English proficient students; and

23 “(10) to establish other activities designed—

1           “(A) to improve professional development  
 2           for teachers, principals, and administrators that  
 3           are consistent with section 2019; and

4           “(B) to recruit and retain fully qualified  
 5           teachers and highly qualified principals.

6           “(c) ADMINISTRATIVE EXPENSES.—Each local edu-  
 7           cational agency receiving a grant under section 2012(a)(3)  
 8           may use not more than 1.5 percent of the grant funds  
 9           for any fiscal year for the cost of administering activities  
 10          under this part.

11       **“SEC. 2019. PROFESSIONAL DEVELOPMENT FOR TEACHERS.**

12          “(a) LIMITATION RELATING TO CURRICULUM AND  
 13          CONTENT AREAS.—

14               “(1) IN GENERAL.—Except as provided in para-  
 15          graph (2), a local educational agency may not use  
 16          grant funds allocated under section 2012(a)(3) to  
 17          support a professional development activity for a  
 18          teacher that is not—

19               “(A) directly related to the curriculum for  
 20          which and content areas in which the teacher  
 21          provides instruction; or

22               “(B) designed to enhance the ability of the  
 23          teacher to understand and use the State’s chal-  
 24          lenging content standards for the academic sub-  
 25          ject in which the teacher provides instruction.

1           “(2) EXCEPTION.—Paragraph (1) shall not  
2           apply to professional development activities that pro-  
3           vide instruction in methods of disciplining children.

4           “(b) PROFESSIONAL DEVELOPMENT ACTIVITY.—A  
5           professional development activity carried out under this  
6           part shall—

7           “(1) be measured, in terms of progress de-  
8           scribed in section 2014(a), using the specific per-  
9           formance indicators established by the State in ac-  
10          cordance with section 2014;

11          “(2) be tied to challenging State or local con-  
12          tent standards and student performance standards;

13          “(3) be tied to scientifically based research  
14          demonstrating the effectiveness of such activities in  
15          increasing student achievement or substantially in-  
16          creasing the knowledge and teaching skills of teach-  
17          ers;

18          “(4) be of sufficient intensity and duration  
19          (such as not to include 1-day or short-term work-  
20          shops and conferences) to have a positive and lasting  
21          impact on teachers’ performance in the classroom,  
22          except that this paragraph shall not apply to an ac-  
23          tivity that is 1 component described in a long-term  
24          comprehensive professional development plan estab-  
25          lished by a teacher and the teacher’s supervisor, and

1 based upon an assessment of the needs of the teach-  
2 er, the teacher's students, and the local educational  
3 agency;

4 “(5) be developed with extensive participation  
5 of teachers, principals, parents, administrators, and  
6 local school boards of elementary schools and sec-  
7 ondary schools to be served under this part, and in-  
8 stitutions of higher education in the State, and, with  
9 respect to any professional development program de-  
10 scribed in paragraph (6) or (7) of section 2018(b),  
11 shall, if applicable, be developed with extensive co-  
12 ordination with, and participation of, professionals  
13 with expertise in such type of professional develop-  
14 ment;

15 “(6) to the extent appropriate, provide training  
16 for teachers regarding using technology and applying  
17 technology effectively in the classroom to improve  
18 teaching and learning concerning the curriculum and  
19 academic content areas, in which those teachers pro-  
20 vide instruction; and

21 “(7) be directly related to the content areas in  
22 which the teachers provide instruction and the State  
23 content standards.

24 “(c) ACCOUNTABILITY.—

1           “(1) IN GENERAL.—A State shall notify a local  
2           educational agency that the agency may be subject  
3           to the action described in paragraph (3) if, after any  
4           fiscal year, the State determines that the programs  
5           or activities funded by the agency under this part  
6           fail to meet the requirements of subsections (a) and  
7           (b).

8           “(2) TECHNICAL ASSISTANCE.—A local edu-  
9           cational agency that has received notification pursu-  
10          ant to paragraph (1) may request technical assist-  
11          ance from the State and an opportunity for such  
12          local educational agency to comply with the require-  
13          ments of subsections (a) and (b).

14          “(3) STATE EDUCATIONAL AGENCY ACTION.—If  
15          a State educational agency determines that a local  
16          educational agency failed to carry out the local edu-  
17          cational agency’s responsibilities under this section,  
18          the State educational agency shall take such action  
19          as the agency determines to be necessary, consistent  
20          with this section, to provide, or direct the local edu-  
21          cational agency to provide, high-quality professional  
22          development for teachers, principals, and adminis-  
23          trators.

1 **“SEC. 2020. PARENTS’ RIGHT TO KNOW.**

2 “Each local educational agency receiving a grant  
3 under section 2012(a)(3) shall meet the reporting require-  
4 ments with respect to teacher qualifications described in  
5 section 4401(h).

6 **“SEC. 2021. STATE REPORTS AND GAO STUDY.**

7 “(a) STATE REPORTS.—Each State educational  
8 agency receiving a grant under this part shall annually  
9 provide a report to the Secretary describing—

10 “(1) the progress the State is making in in-  
11 creasing the percentages of fully qualified teachers  
12 in the State to ensure that all teachers are fully  
13 qualified not later than December 31, 2005, includ-  
14 ing information regarding—

15 “(A) the percentage increase over the pre-  
16 vious fiscal year in the number of fully qualified  
17 teachers teaching in elementary schools and  
18 secondary schools served by local educational  
19 agencies receiving funds under title I; and

20 “(B) the percentage increase over the pre-  
21 vious fiscal year in the number of core classes  
22 being taught by fully qualified teachers in ele-  
23 mentary schools and secondary schools being  
24 served under title I;

25 “(2) the activities undertaken by the State edu-  
26 cational agency and local educational agencies in the

1 State to attract and retain fully qualified teachers,  
2 especially in geographic areas and content subject  
3 areas in which a shortage of such teachers exist; and

4 “(3) the approximate percentage of Federal,  
5 State, local, and nongovernmental resources being  
6 expended to carry out activities described in para-  
7 graph (2).

8 “(b) GAO STUDY.—Not later than September 30,  
9 2004, the Comptroller General of the United States shall  
10 prepare and submit to the Committee on Education and  
11 the Workforce of the House of Representatives and the  
12 Committee on Health, Education, Labor, and Pensions of  
13 the Senate a study setting forth information regarding the  
14 progress of States’ compliance in increasing the percent-  
15 age of fully qualified teachers, as defined in section  
16 2002(1), for fiscal years 2000 through 2003.

17 **“SEC. 2021. EDUCATOR PARTNERSHIP GRANTS.**

18 “(a) SUBGRANTS.—

19 “(1) IN GENERAL.—A State receiving a grant  
20 under section 2011(a) shall award subgrants, on a  
21 competitive basis, from amounts made available  
22 under section 2012(a)(1), to local educational agen-  
23 cies, elementary schools, or secondary schools that  
24 have formed educator partnerships, for the design  
25 and implementation of programs that will enhance

1 professional development opportunities for teachers,  
 2 principals, and administrators, and will increase the  
 3 number of fully qualified teachers.

4 “(2) ALLOCATIONS.—A State awarding sub-  
 5 grants under this subsection shall allocate the  
 6 subgrant funds on a competitive basis and in a man-  
 7 ner that results in an equitable distribution of the  
 8 subgrant funds by geographic areas within the  
 9 State.

10 “(3) ADMINISTRATIVE EXPENSES.—Each edu-  
 11 cator partnership receiving a subgrant under this  
 12 subsection may use not more than 5 percent of the  
 13 subgrant funds for any fiscal year for the cost of  
 14 planning and administering programs under this sec-  
 15 tion.

16 “(b) EDUCATOR PARTNERSHIPS.—An educator part-  
 17 nership described in subsection (a) includes a cooperative  
 18 arrangement between—

19 “(1) a public elementary school or secondary  
 20 school (including a charter school), or a local edu-  
 21 cational agency; and

22 “(2) 1 or more of the following:

23 “(A) An institution of higher education.

24 “(B) An educational service agency.

1                   “(C) A public or private not-for-profit edu-  
2 cation organization.

3                   “(D) A for-profit education organization.

4                   “(E) An entity from outside the traditional  
5 education arena, including a corporation or con-  
6 sulting firm.

7           “(c) USE OF FUNDS.—An educator partnership re-  
8 ceiving a subgrant under this section shall use the  
9 subgrant funds for—

10                   “(1) developing and enhancing of professional  
11 development activities for teachers in core academic  
12 subjects to ensure that the teachers have content  
13 knowledge in the academic subjects in which the  
14 teachers provide instruction;

15                   “(2) developing and providing assistance to  
16 local educational agencies and elementary schools  
17 and secondary schools for sustained, high-quality  
18 professional development activities for teachers, prin-  
19 cipals, and administrators, that—

20                   “(A) ensure that teachers, principals, and  
21 administrators are able to use State content  
22 standards, performance standards, and assess-  
23 ments to improve instructional practices and  
24 student achievement; and

1           “(B) may include intensive programs de-  
2           signed to prepare a teacher who participates in  
3           such a program to provide professional develop-  
4           ment instruction to other teachers within the  
5           participating teacher’s school;

6           “(3) increasing the number of fully qualified  
7           teachers available to provide high-quality education  
8           to limited English proficient students by—

9           “(A) working with institutions of higher  
10          education that offer degree programs, to attract  
11          more people into such programs, and to prepare  
12          better new, English language teachers to pro-  
13          vide effective language instruction to limited  
14          English proficient students; and

15          “(B) supporting development and imple-  
16          mentation of professional development pro-  
17          grams for language instruction teachers to im-  
18          prove the language proficiency of limited  
19          English proficient students;

20          “(4) developing and implementing professional  
21          development activities for principals and administra-  
22          tors to enable the principals and administrators to  
23          be effective school leaders and to improve student  
24          achievement on challenging State content and stu-

1       dent performance standards, including professional  
2       development relating to—

3               “(A) leadership skills;

4               “(B) recruitment, assignment, retention,  
5       and evaluation of teachers and other staff;

6               “(C) effective instructional practices, in-  
7       cluding the use of technology; and

8               “(D) parental and community involvement;  
9       and

10              “(5) providing activities that enhance profes-  
11       sional development opportunities for teachers, prin-  
12       cipals, and administrators or will increase the num-  
13       ber of fully qualified teachers.

14       “(d) APPLICATION REQUIRED.—Each educator part-  
15       nership desiring a subgrant under this section shall submit  
16       an application to the appropriate State educational agency  
17       at such time, in such manner, and accompanied by such  
18       information as the State educational agency may reason-  
19       ably require.

20       “(e) COORDINATION.—Each educator partnership  
21       that receives a subgrant under this section and a grant  
22       under section 203 of the Higher Education Act of 1965  
23       shall coordinate the activities carried out under such sec-  
24       tion 203 with any related activities carried out under this  
25       section.

1 **“SEC. 2023. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out  
3 this part \$1,600,000,000 for fiscal year 2001 and such  
4 sums as may be necessary for each of the 4 succeeding  
5 fiscal years.

6 **“PART B—CLASS SIZE REDUCTION**

7 **“SEC. 2031. FINDINGS.**

8 “Congress makes the following findings:

9 “(1) Rigorous research has shown that students  
10 attending small classes in the early grades make  
11 more rapid educational gains than students in larger  
12 classes, and that those gains persist through at least  
13 the eighth grade.

14 “(2) The benefits of smaller classes are greatest  
15 for lower-achieving, minority, poor, and inner-city  
16 children, as demonstrated by a study that found that  
17 urban fourth graders in smaller-than-average classes  
18 were  $\frac{3}{4}$  of a school year ahead of their counterparts  
19 in larger-than-average classes.

20 “(3) Teachers in small classes can provide stu-  
21 dents with more individualized attention, spend more  
22 time on instruction and less time on other tasks, and  
23 cover more material effectively, and are better able  
24 to work with parents to further their children’s edu-  
25 cation, than teachers in large classes.

1           “(4) Smaller classes allow teachers to identify  
2           and work with students who have learning disabili-  
3           ties sooner than is possible with larger classes, po-  
4           tentially reducing those students’ needs for special  
5           education services in the later grades.

6           “(5) The National Research Council report,  
7           ‘Preventing Reading Difficulties in Young Children’,  
8           recommends reducing class sizes, accompanied by  
9           providing high-quality professional development for  
10          teachers, as a strategy for improving student  
11          achievement in reading.

12          “(6) Efforts to improve educational outcomes  
13          by reducing class sizes in the early grades are likely  
14          to be successful only if well-qualified teachers are  
15          hired to fill additional classroom positions, and if  
16          teachers receive intensive, ongoing professional de-  
17          velopment.

18          “(7) Several States and school districts have  
19          begun serious efforts to reduce class sizes in the  
20          early elementary school grades, but those efforts  
21          may be impeded by financial limitations or difficul-  
22          ties in hiring highly qualified teachers.

23          “(8) The Federal Government can assist in  
24          those efforts by providing funding for class size re-  
25          ductions in grades 1 through 3, and by helping to

1 ensure that both new and current teachers who are  
2 moving into smaller classrooms are well prepared.

3 **“SEC. 2032. PURPOSE.**

4 “The purpose of this part is to help States and local  
5 educational agencies recruit, train, and hire 100,000 addi-  
6 tional teachers in order to—

7 “(1) reduce nationally class size in grades 1  
8 through 3 to an average of 18 students per regular  
9 classroom; and

10 “(2) improve teaching in the early elementary  
11 school grades so that all students can learn to read  
12 independently and well by the end of the third  
13 grade.

14 **“SEC. 2033. ALLOTMENTS TO STATES.**

15 “(a) RESERVATIONS FOR THE OUTLYING AREAS AND  
16 THE BUREAU OF INDIAN AFFAIRS.—From the amount  
17 appropriated under section 2042 for any fiscal year, the  
18 Secretary shall reserve a total of not more than 1 percent  
19 to make payments to—

20 “(1) outlying areas, on the basis of their respec-  
21 tive needs, for activities, approved by the Secretary,  
22 consistent with this part; and

23 “(2) the Secretary of the Interior for activities  
24 approved by the Secretary of Education, consistent  
25 with this part, in schools operated or supported by

1 the Bureau of Indian Affairs, on the basis of their  
2 respective needs.

3 “(b) ALLOTMENTS TO STATES.—

4 “(1) IN GENERAL.—From the amount appro-  
5 priated under section 2042 for a fiscal year and re-  
6 maining after the Secretary makes reservations  
7 under subsection (a), the Secretary shall make  
8 grants by allotting to each State having a State ap-  
9 plication approved under section 2034(c) an amount  
10 that bears the same relationship to the remainder as  
11 the greater of the amounts that the State received  
12 in the preceding fiscal year under sections 1122 and  
13 2202(b) (as such sections were in effect on the day  
14 preceding the date of enactment of the Public Edu-  
15 cation Reinvestment, Reinvention, and Rededication  
16 Act) bears to the total of the greater amounts that  
17 all States received under such sections for the pre-  
18 ceding fiscal year.

19 “(2) RATABLE REDUCTION.—If the sums made  
20 available under paragraph (1) for any fiscal year are  
21 insufficient to pay the full amounts that all States  
22 are eligible to receive under paragraph (1) for such  
23 year, the Secretary shall ratably reduce such  
24 amounts for such year.

1           “(3) REALLOTMENT.—If any State chooses not  
2           to participate in the program carried out under this  
3           part, or fails to submit an approvable application  
4           under this part, the Secretary shall reallocate the  
5           amount that such State would have received under  
6           paragraphs (1) and (2) to States having applications  
7           approved under section 2034(c), in accordance with  
8           paragraphs (1) and (2).

9   **“SEC. 2034. APPLICATIONS.**

10          “(a) APPLICATIONS REQUIRED.—The State edu-  
11          cational agency for each State desiring a grant under this  
12          part shall submit an application to the Secretary at such  
13          time, in such form, and containing such information as  
14          the Secretary may require.

15          “(b) CONTENTS.—The application shall include—

16               “(1) a description of the State’s goals for using  
17               funds under this part to reduce average class sizes  
18               in regular classrooms in grades 1 through 3, includ-  
19               ing a description of class sizes in those classrooms,  
20               for each local educational agency in the State (as of  
21               the date of submission of the application);

22               “(2) a description of how the State educational  
23               agency will allocate program funds made available  
24               through the grant within the State;

1           “(3) a description of how the State will use  
2           other funds, including other Federal funds, to re-  
3           duce class sizes and to improve teacher quality and  
4           reading achievement within the State; and

5           “(4) an assurance that the State educational  
6           agency will submit to the Secretary such reports and  
7           information as the Secretary may reasonably re-  
8           quire.

9           “(c) APPROVAL OF APPLICATIONS.—The Secretary  
10          shall approve a State application submitted under this sec-  
11          tion if the application meets the requirements of this sec-  
12          tion and holds reasonable promise of achieving the purpose  
13          of this part.

14       **“SEC. 2035. WITHIN-STATE ALLOCATIONS.**

15           “(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-  
16          CIES.—Each State receiving a grant under this part for  
17          any fiscal year may reserve not more than 1 percent of  
18          the grant funds for the cost of administering this part  
19          and, using the remaining funds, shall make subgrants by  
20          allocating to each local educational agency in the State  
21          the sum of—

22           “(1) an amount that bears the same relation-  
23          ship to 80 percent of the remainder as the school-  
24          age population from families with incomes below the  
25          poverty line in the area served by the local edu-

1        cational agency bears to the school-age population  
2        from families with incomes below the poverty line in  
3        the area served by all local educational agencies in  
4        the State; and

5            “(2) an amount that bears the same relation-  
6        ship to 20 percent of the remainder as the enroll-  
7        ment of the school-age population in public and pri-  
8        vate nonprofit elementary schools and secondary  
9        schools in the area served by the local educational  
10       agency bears to the enrollment of the school-age  
11       population in public and private nonprofit elemen-  
12       tary schools and secondary schools in the area  
13       served by all local educational agencies in the State.

14       “(b) REALLOCATION.—If any local educational agen-  
15       cy chooses not to participate in the program carried out  
16       under this part, or fails to submit an approvable applica-  
17       tion under this part, the State educational agency shall  
18       reallocate the amount such local educational agency would  
19       have received under subsection (a) to local educational  
20       agencies having applications approved under section  
21       2036(b), in accordance with subsection (a).

22       **“SEC. 2036. LOCAL APPLICATIONS.**

23       “(a) IN GENERAL.—Each local educational agency  
24       desiring a subgrant under section 2035(a) shall submit an  
25       application to the appropriate State educational agency at

1 such time, in such form, and containing such information  
2 as the State educational agency may require, including a  
3 description of the local educational agency's program to  
4 reduce class sizes by hiring additional highly qualified  
5 teachers.

6 “(b) APPROVAL OF APPLICATIONS.—The State edu-  
7 cational agency shall approve a local agency application  
8 submitted under subsection (a) if the application meets  
9 the requirements of subsection (a) and holds reasonable  
10 promise of achieving the purpose of this part.

11 **“SEC. 2037. USES OF FUNDS.**

12 “(a) ADMINISTRATIVE EXPENSES.—Each local edu-  
13 cational agency receiving a subgrant under section  
14 2035(a) may use not more than 3 percent of the subgrant  
15 funds for any fiscal year for the cost of administering this  
16 part.

17 “(b) RECRUITMENT, TEACHER TESTING, AND PRO-  
18 FESSIONAL DEVELOPMENT.—

19 “(1) IN GENERAL.—Each local educational  
20 agency receiving subgrant funds under this section  
21 shall use such subgrant funds to carry out effective  
22 approaches to reducing class size with fully qualified  
23 teachers who are certified within the State (includ-  
24 ing teachers certified through State or local alter-  
25 native routes) and who demonstrate competency in

1 the areas in which the teachers provide instruction,  
2 to improve educational achievement for both regular  
3 and special needs children, with particular consider-  
4 ation given to reducing class size in the early ele-  
5 mentary grades.

6 “(2) LOCAL ACTIVITIES.—

7 “(A) IN GENERAL.—Each local educational  
8 agency receiving subgrant funds under this sec-  
9 tion may use such subgrant funds for—

10 “(i) recruiting (including through the  
11 use of signing bonuses, and other financial  
12 incentives), hiring, and training fully quali-  
13 fied regular and special education teachers  
14 (which may include hiring special edu-  
15 cation teachers to team-teach with regular  
16 teachers in classrooms that contain both  
17 children with disabilities and non-disabled  
18 children) and teachers of special-needs  
19 children, who are certified within the  
20 State, including teachers who are certified  
21 through State or local alternative routes,  
22 have a bachelor’s degree, and demonstrate  
23 the general knowledge, teaching skills, and  
24 subject matter knowledge required to teach

1 in the content areas in which the teachers  
2 provide instruction;

3 “(ii) testing new teachers for aca-  
4 demic content knowledge and satisfaction  
5 of State certification requirements con-  
6 sistent with title II of the Higher Edu-  
7 cation Act of 1965; and

8 “(iii) providing professional develop-  
9 ment (which may include such activities as  
10 promoting retention and mentoring) to  
11 teachers, including special education teach-  
12 ers and teachers of special-needs children,  
13 in order to meet the goal of ensuring that  
14 all instructional staff have the subject mat-  
15 ter knowledge, teaching knowledge, and  
16 teaching skills necessary to teach effec-  
17 tively in the content area or areas in which  
18 they provide instruction, consistent with  
19 title II of the Higher Education Act of  
20 1965.

21 “(B) LIMITATIONS.—

22 “(i) IN GENERAL.—Except as pro-  
23 vided in clause (ii), a local educational  
24 agency may use not more than a total of  
25 25 percent of the award received under

1 this section for activities described in sub-  
2 paragraph (A)(ii) and (iii).

3 “(ii) ED-FLEX.—

4 “(I) WAIVER.—A local edu-  
5 cational agency located in a State des-  
6 ignated as an Ed-Flex Partnership  
7 State under section 4(a)(1)(B) of the  
8 Education Flexibility Partnership Act  
9 of 1999, and in which 10 percent or  
10 more of teachers in elementary  
11 schools, as defined by section  
12 8101(14), have not met applicable  
13 State and local certification require-  
14 ments (including certification through  
15 State or local alternative routes), or if  
16 such requirements have been waived,  
17 may apply to the State educational  
18 agency for a waiver that would permit  
19 the agency to use more than 25 per-  
20 cent of the funds it receives under this  
21 section for activities described in sub-  
22 paragraph (A)(iii) for the purpose of  
23 helping teachers to become certified.

24 “(II) APPROVAL.—If the State  
25 educational agency approves the local

1 educational agency's application for a  
2 waiver under subclause (I), the local  
3 educational agency may use the funds  
4 subject to the waiver for activities de-  
5 scribed in subparagraph (A)(iii) that  
6 are needed to ensure that at least 90  
7 percent of the teachers in elementary  
8 schools within the State are certified.

9 “(C) ADDITIONAL USES.—

10 “(i) IN GENERAL.—A local edu-  
11 cational agency that has already reduced  
12 class size in the early grades to 18 or less  
13 children (or has already reduced class size  
14 to a State or local class size reduction goal  
15 that was in effect on the day before the en-  
16 actment of the Department of Education  
17 Appropriations Act, 2000, if that State or  
18 local educational agency goal is 20 or  
19 fewer children) may use funds received  
20 under this section—

21 “(I) to make further class size  
22 reductions in grades kindergarten  
23 through 3;

24 “(II) to reduce class size in other  
25 grades; or

1                   “(III) to carry out activities to  
2                   improve teacher quality, including  
3                   professional development.

4                   “(ii)     PROFESSIONAL     DEVELOP-  
5                   MENT.—If a local educational agency has  
6                   already reduced class size in the early  
7                   grades to 18 or fewer children and intends  
8                   to use funds provided under this Part to  
9                   carry out professional development activi-  
10                  ties, including activities to improve teacher  
11                  quality, then the State shall make the  
12                  award under section 2035 to the local edu-  
13                  cational agency.

14           “(c) SPECIAL RULE.—Notwithstanding subsection  
15 (b), if the award to a local educational agency under sec-  
16 tion 2035 is less than the starting salary for a new fully  
17 qualified teacher teaching in a school served by that agen-  
18 cy, and such teacher is certified within the State (which  
19 may include certification through State or local alternative  
20 routes), has a bachelor’s degree, and demonstrates the  
21 general knowledge, teaching skills, and subject matter  
22 knowledge required to teach in the content areas the  
23 teacher is assigned to provide instruction, then the agency  
24 may use grant funds under this part to—

1           “(1) help pay the salary of a full- or part-time  
2           teacher hired to reduce class size, which may be in  
3           combination with other Federal, State, or local  
4           funds; or

5           “(2) pay for activities described in subsection  
6           (b), which may be related to teaching in smaller  
7           classes.

8   **“SEC. 2038. PRIVATE SCHOOLS.**

9           “If a local educational agency uses funds made avail-  
10          able under this Part for professional development activi-  
11          ties, the local educational agency shall ensure the equitable  
12          participation of private nonprofit elementary schools and  
13          secondary schools in such activities.

14   **“SEC. 2039. TEACHER SALARIES AND BENEFITS.**

15          “ A local educational agency may use grant funds  
16          provided under this part—

17               “(1) except as provided in paragraph (2), to in-  
18               crease the salaries of, or provide benefits (other than  
19               participation in professional development and enrich-  
20               ment programs) to, teachers only if such teachers  
21               were hired under this part; and

22               “(2) to pay the salaries of teachers hired under  
23               section 307 of the Department of Education Appro-  
24               priations Act of 1999 who, not later than the begin-

1       ning of the 2001-2002 school year, are fully quali-  
2       fied, as defined in section 2002(1).

3   **“SEC. 2040. STATE REPORT REQUIREMENTS.**

4       “(a) REPORT ON ACTIVITIES.—A State educational  
5   agency receiving funds under this part shall submit a re-  
6   port to the Secretary providing information about the ac-  
7   tivities in the State assisted under this part.

8       “(b) REPORT TO PARENTS.—Each State educational  
9   agency and local educational agency receiving funds under  
10   this part shall publicly issue a report to parents of children  
11   who attend schools assisted under this part describing—

12           “(1) the agency’s progress in reducing class  
13       size;

14           “(2) the agency’s progress in increasing the  
15       percentage of classes in core academic areas that are  
16       taught by fully qualified teachers who are certified  
17       within the State and demonstrate competency in the  
18       content areas in which the teachers provide instruc-  
19       tion; and

20           “(3) the impact, if any, that hiring additional  
21       highly qualified teachers and reducing class size has  
22       had on increasing student academic achievement in  
23       schools served by the agency.

24       “(c) PROFESSIONAL QUALIFICATIONS REPORT.—  
25   Upon the request of a parent of a child attending a school

1 receiving assistance under this part, such school shall pro-  
 2 vide the parent with information regarding the profes-  
 3 sional qualifications of their child's teacher.

4 **“SEC. 2041. SUPPLEMENT NOT SUPPLANT.**

5 “Each local educational agency receiving grant funds  
 6 under this part shall use such funds only to supplement,  
 7 and not to supplant, State and local funds that, in the  
 8 absence of such funds, would otherwise be spent for activi-  
 9 ties under this part.

10 **“SEC. 2042. AUTHORIZATION OF APPROPRIATIONS.**

11 “For the purpose of carrying out this part, there are  
 12 authorized to be appropriated \$1,400,000,000 for fiscal  
 13 year 2001, and such sums as may be necessary for each  
 14 of the 4 succeeding fiscal years.”.

15 **TITLE III—LANGUAGE MINORITY**  
 16 **STUDENTS AND INDIAN, NA-**  
 17 **TIVE HAWAIIAN, AND ALASKA**  
 18 **NATIVE EDUCATION**

19 **SEC. 301. LANGUAGE MINORITY STUDENTS.**

20 Title III (20 U.S.C. 6801 et seq.) is amended—

21 (1) by amending the heading for title III to  
 22 read as follows:

1 **“TITLE III—LANGUAGE MINOR-**  
 2 **ITY STUDENTS AND INDIAN,**  
 3 **NATIVE HAWAIIAN, AND ALAS-**  
 4 **KA NATIVE EDUCATION”;**

5 (2) by repealing section 3101 (20 U.S.C. 6801)

6 and part A (20 U.S.C. 6811 et seq.); and

7 (3) by inserting after the heading for title III

8 (as amended by paragraph (1)) the following:

9 **“Subtitle A—Language Minority**  
 10 **Students**

11 **“SEC. 3101. FINDINGS, POLICY, AND PURPOSE.**

12 “(a) FINDINGS.—Congress makes the following find-  
 13 ings:

14 “(1)(A) Educating limited English proficient  
 15 students is an urgent goal for many local edu-  
 16 cational agencies, but that goal is not being  
 17 achieved.

18 “(B) Each year, 640,000 limited English pro-  
 19 ficient students are not served by any sort of pro-  
 20 gram targeted to the students’ unique needs.

21 “(C) In 1998, only 15 percent of local edu-  
 22 cational agencies that applied for funding under en-  
 23 hancement grants and comprehensive school grants  
 24 received such funding.

1           “(2)(A) The school dropout rate for Hispanic  
2 students, the largest group of limited English pro-  
3 ficient students, is approximately 25 percent, and is  
4 approximately 46 percent for Hispanic students born  
5 outside of the United States.

6           “(B) A United States Department of Education  
7 report regarding school dropout rates states that  
8 language difficulty ‘may be a barrier to participation  
9 in United States schools’.

10          “(C) Reading ability is a key predictor of grad-  
11 uation and academic success.

12          “(3) Through fiscal year 1999, bilingual edu-  
13 cation capacity and demonstration grants—

14               “(A) have spread funding too broadly to  
15 make an impact on language instruction edu-  
16 cational programs implemented by State edu-  
17 cational agencies and local educational agencies;  
18 and

19               “(B) have lacked concrete performance  
20 measures.

21          “(4)(A) Since 1979, the number of limited  
22 English proficient children in schools in the United  
23 States has doubled, and demographic trends indicate  
24 the population of limited English proficient children  
25 will continue to increase.

1           “(B) Language-minority Americans speak vir-  
2           tually all world languages plus many that are indige-  
3           nous to the United States.

4           “(C) The rich linguistic diversity language-mi-  
5           nority students bring to America’s classrooms en-  
6           hances the learning environment for all students and  
7           should be valued for the significant, positive impact  
8           such diversity has on the entire school environment.

9           “(D) Parent and community participation in  
10          educational language programs for limited English  
11          proficient students contributes to program effective-  
12          ness.

13          “(E) The Federal Government, as reflected in  
14          title VI of the Civil Rights Act of 1964 (42 U.S.C.  
15          2000d et seq.) and section 204(f) of the Equal Edu-  
16          cation Opportunities Act of 1974 (20 U.S.C. 1703),  
17          has a special and continuing obligation to ensure  
18          that States and local educational agencies take ap-  
19          propriate action to provide equal educational oppor-  
20          tunities to limited English proficient children and  
21          youth.

22          “(F) The Federal Government also, as exempli-  
23          fied by programs authorized under this title, has a  
24          special and continuing obligation to assist States  
25          and local educational agencies to develop the capac-

1       ity to provide programs of instruction that offer lim-  
2       ited English proficient children and youth equal edu-  
3       cational opportunities.

4           “(5) Limited English proficient children and  
5       youth face a number of challenges in receiving an  
6       education that will enable them to participate fully  
7       in American society, including—

8           “(A) disproportionate attendance in high-  
9       poverty schools, as demonstrated by the fact  
10      that, in 1994, 75 percent of limited English  
11      proficient students attended schools in which as  
12      least half of all students were eligible for free  
13      or reduced-price meals;

14          “(B) the limited ability of parents of such  
15      children and youth to participate fully in the  
16      education of their children because of the par-  
17      ents’ own limited English proficiency;

18          “(C) a shortage of teachers and other staff  
19      who are professionally trained and qualified to  
20      serve such children and youth; and

21          “(D) lack of appropriate performance and  
22      assessment standards that distinguish between  
23      language and academic achievement so that  
24      there is equal accountability on the part of  
25      State educational agencies and local educational

1 agencies for the achievement of limited English  
2 proficient students in academic content while  
3 acquiring English language skills.

4 “(b) POLICY.—Congress declares it to be the policy  
5 of the United States that in order to ensure equal edu-  
6 cational opportunity for all children and youth, and to pro-  
7 mote educational excellence, the Federal Government  
8 should—

9 “(1) assist State educational agencies, local  
10 educational agencies, and community-based organi-  
11 zations to build their capacity to establish, imple-  
12 ment, and sustain programs of instruction and  
13 English language development for children and  
14 youth of limited English proficiency;

15 “(2) hold State educational agencies and local  
16 educational agencies accountable for increases in  
17 English proficiency and core content knowledge  
18 among limited English proficient students; and

19 “(3) promote parental and community partici-  
20 pation in limited English proficiency programs.

21 “(c) PURPOSE.—The purpose of this subtitle is to as-  
22 sist all limited English proficient students so that those  
23 students can meet or exceed the State proficient standard  
24 level for academic performance in core subject areas ex-

1 pected of all elementary school and secondary school stu-  
 2 dents, and succeed in our Nation's society, by—

3           “(1) streamlining existing language instruction  
 4       programs into a performance-based grant for State  
 5       and local educational agencies to help limited  
 6       English proficient students become proficient in  
 7       English;

8           “(2) increasing significantly the amount of Fed-  
 9       eral assistance to local educational agencies serving  
 10      such students while requiring that State educational  
 11      agencies and local educational agencies demonstrate  
 12      annual improvements in the English proficiency of  
 13      such students from the preceding fiscal year; and

14          “(3) providing State educational agencies and  
 15      local educational agencies with the flexibility to im-  
 16      plement instructional programs based on scientific  
 17      research that the agencies believe to be the most ef-  
 18      fective for teaching English.

19 **“SEC. 3102. DEFINITIONS.**

20        “Except as otherwise provided, for purposes of this  
 21 subtitle:

22           “(1) LIMITED ENGLISH PROFICIENT STU-  
 23      DENT.—The term ‘limited English proficient stu-  
 24      dent’ means an individual aged 5 through 17 en-  
 25      rolled in an elementary school or secondary school—

1                   “(A) who—

2                   “(i) was not born in the United States  
3                   or whose native language is a language  
4                   other than English; or

5                   “(ii) is a Native American or Alaska  
6                   Native, or who is a native resident of the  
7                   outlying areas and comes from an environ-  
8                   ment where a language other than English  
9                   has had a significant impact on such indi-  
10                  vidual’s level of English language pro-  
11                  ficiency; or

12                  “(iii) is migratory and whose native  
13                  language is other than English, and who  
14                  comes from an environment where a lan-  
15                  guage other than English is dominant; and

16                  “(B) who has sufficient difficulty speaking,  
17                  reading, writing, or understanding the English  
18                  language, and whose difficulties may deny such  
19                  individual the opportunity to learn successfully  
20                  in classrooms where the language of instruction  
21                  is English or to participate fully in our society.

22                  “(2) LANGUAGE INSTRUCTION EDUCATIONAL  
23                  PROGRAM.—The term ‘language instruction edu-  
24                  cational program’ means an instructional course in  
25                  which a limited English proficient student is placed

1 for the purpose of becoming proficient in the  
2 English language.

3 “(3) SPECIALLY QUALIFIED AGENCY.—The  
4 term ‘specially qualified agency’ means a local edu-  
5 cational agency in a State that does not participate  
6 in a program under this subtitle for a fiscal year.

7 “(4) STATE.—The term ‘State’ means each of  
8 the several States of the United States, the District  
9 of Columbia, and the Commonwealth of Puerto Rico.

10 **“SEC. 3103. PROGRAM AUTHORIZED.**

11 “(a) GRANTS AUTHORIZED.—The Secretary shall  
12 award grants, from allotments under subsection (b), to  
13 each State having a State plan approved under section  
14 3105(c), to enable the State to help limited English pro-  
15 ficient students become proficient in English.

16 “(b) RESERVATIONS AND ALLOTMENTS.—

17 “(1) RESERVATIONS.—From the amount appro-  
18 priated under section 3110 to carry out this subtitle  
19 for each fiscal year, the Secretary shall reserve—

20 “(A)  $\frac{1}{2}$  of 1 percent of such amount for  
21 payments to the Secretary of the Interior for  
22 activities approved by the Secretary, consistent  
23 with this subtitle, in schools operated or sup-  
24 ported by the Bureau of Indian Affairs, on the

1 basis of their respective needs for assistance  
2 under this subtitle; and

3 “(B)  $\frac{1}{2}$  of 1 percent of such amount for  
4 payments to outlying areas, to be allotted in ac-  
5 cordance with their respective needs as deter-  
6 mined by the Secretary, for activities, approved  
7 by the Secretary, consistent with this subtitle.

8 “(2) STATE ALLOTMENTS.—From the amount  
9 appropriated under section 3110 for any of the fiscal  
10 years 2001 through 2005 that remains after making  
11 reservations under paragraph (1), the Secretary  
12 shall allot to each State having a State plan ap-  
13 proved under section 3105(c) an amount that bears  
14 the same relationship to the remainder as the num-  
15 ber of limited English proficient students in the  
16 State bears to the number of limited English pro-  
17 ficient students in all States.

18 “(3) DATA.—For the purpose of determining  
19 the number of limited English proficient students in  
20 a State and in all States for each fiscal year, the  
21 Secretary shall use data that will yield the most ac-  
22 curate, up-to-date, numbers of such students,  
23 including—

24 “(A) data available from the Bureau of the  
25 Census; or

1           “(B) data submitted to the Secretary by  
2           the States to determine the number of limited  
3           English proficient students in a State and in all  
4           States.

5           “(4) HOLD-HARMLESS AMOUNTS.—For fiscal  
6           year 2001, and for each of the 4 succeeding fiscal  
7           years, notwithstanding paragraph (2), the total  
8           amount allotted to each State under this subsection  
9           shall be not less than 85 percent of the total amount  
10          the State was allotted under parts A and B of title  
11          VII (as such title was in effect on the day preceding  
12          the date of enactment of the Public Education Rein-  
13          vestment, Reinvention, and Responsibility Act).

14          “(c) DIRECT AWARDS TO SPECIALLY QUALIFIED  
15          AGENCIES.—

16               “(1) NONPARTICIPATING STATE.—If a State  
17               educational agency for a fiscal year elects not to par-  
18               ticipate in a program under this subtitle, or does not  
19               have an application approved under section 3105(c),  
20               a specially qualified agency in such State desiring a  
21               grant under this subtitle for the fiscal year shall  
22               apply directly to the Secretary to receive a grant  
23               under this subsection.

24               “(2) DIRECT AWARDS.—The Secretary may  
25               award, on a competitive basis, the amount the State

1 educational agency is eligible to receive under sub-  
 2 section (b)(2) directly to specially qualified agencies  
 3 in the State desiring a grant under paragraph (1)  
 4 and having an application approved under section  
 5 3105(c).

6 “(3) ADMINISTRATIVE FUNDS.—A specially  
 7 qualified agency that receives a direct grant under  
 8 this subsection may use not more than 1 percent of  
 9 the grant funds for the administrative costs of car-  
 10 rying out this subtitle in the first year the agency  
 11 receives a grant under this subsection and 0.5 per-  
 12 cent for such costs in the second and each suc-  
 13 ceeding such year.

14 **“SEC. 3104. WITHIN-STATE ALLOCATIONS.**

15 “(a) GRANT AWARDS.—Each State educational agen-  
 16 cy receiving a grant under section 3103(a) shall use 95  
 17 percent of the grant funds to award subgrants, from allot-  
 18 ments under subsection (b), to local educational agencies  
 19 in the State to carry out the activities described in section  
 20 3107.

21 “(b) ALLOTMENT FORMULA.—Each State edu-  
 22 cational agency receiving a grant under this subtitle shall  
 23 award a grant to each local educational agency in the  
 24 State having a plan approved under section 3106 in an  
 25 amount that bears the same relationship to the amount

1 of funds appropriated under section 3110 as the school-  
 2 age population of limited English proficient students in  
 3 schools served by the local educational agency bears to the  
 4 school-age population of limited English proficient stu-  
 5 dents in schools served by all local educational agencies  
 6 in the State.

7 “(c) RESERVATIONS.—

8 “(1) STATE ACTIVITIES.—Each State edu-  
 9 cational agency receiving a grant under this subtitle  
 10 may reserve not more than 5 percent of the grant  
 11 funds to carry out activities described in the State  
 12 plan submitted under section 3105.

13 “(2) ADMINISTRATIVE EXPENSES.—From the  
 14 amount reserved under paragraph (1), a State edu-  
 15 cational agency may use not more than 2 percent for  
 16 the planning costs and administrative costs of car-  
 17 rying out the activities described in the State plan  
 18 and providing grants to local educational agencies.

19 **“SEC. 3105. STATE AND SPECIALLY QUALIFIED AGENCY**  
 20 **PLAN.**

21 “(a) PLAN REQUIRED.—Each State educational  
 22 agency and specially qualified agency desiring a grant  
 23 under this subtitle shall submit a plan to the Secretary  
 24 at such time, in such manner and accompanied by such  
 25 information as the Secretary may require.

1       “(b) CONTENTS.—Each State plan submitted under  
2 subsection (a) shall—

3               “(1) describe how the State or specially quali-  
4 fied agency will—

5                       “(A) establish standards and benchmarks  
6 for English language development that are  
7 aligned with the State content and student per-  
8 formance standards described in section 1111;

9                       “(B) develop high-quality, annual assess-  
10 ments to measure English language proficiency,  
11 including proficiency in the 4 recognized do-  
12 mains of speaking, listening, reading, and writ-  
13 ing; and

14                      “(C) develop annual performance objec-  
15 tives, based on the English language develop-  
16 ment standards described in subparagraph (A),  
17 to raise the level of English proficiency of each  
18 limited English proficient student;

19               “(2) contain an assurance that the State edu-  
20 cational agency or specially qualified agency con-  
21 sulted with local educational agencies, education-re-  
22 lated community groups and nonprofit organizations,  
23 parents, teachers, school administrators, and  
24 English language instruction specialists, in the set-  
25 ting of the performance objectives;

1 “(3) describe how—

2 “(A) in the case of a State educational  
3 agency, the State educational agency will hold  
4 local educational agencies and elementary  
5 schools and secondary schools accountable for—

6 “(i) meeting the English proficiency  
7 performance objectives described in section  
8 3109; and

9 “(ii) making adequate yearly progress  
10 with limited English proficient students in  
11 the subject areas of core content knowl-  
12 edge as described in section 1111; and

13 “(B) in the case of a specially qualified  
14 agency, the agency will hold elementary schools  
15 and secondary schools accountable for meeting  
16 the English proficiency performance objectives  
17 described in section 3109, and making adequate  
18 yearly progress, including annual numerical  
19 goals for improving the performance of limited  
20 English proficient students on performance  
21 standards described in section  
22 1111(b)(1)(D)(ii);

23 “(4) describe the activities for which assistance  
24 is sought, and how the activities will increase the

1 speed and effectiveness with which students learn  
2 English;

3 “(5) in the case of a State educational agency,  
4 describe how local educational agencies in the State  
5 will be given the flexibility to teach English—

6 “(A) using language instruction curriculum  
7 that is scientifically research based; and

8 “(B) in the manner the local educational  
9 agencies determine to be the most effective; and  
10 “(6) describe how—

11 “(A) in the case of a State educational  
12 agency, the State educational agency will pro-  
13 vide technical assistance to local educational  
14 agencies and elementary schools and secondary  
15 schools for the purposes of identifying and im-  
16 plementing English language instruction edu-  
17 cational programs and curricula that are sci-  
18 entifically research based; and

19 “(B) in the case of a specially qualified  
20 agency, the specially qualified agency will pro-  
21 vide technical assistance to elementary schools  
22 and secondary schools served by the specially  
23 qualified agency for the purposes of identifying  
24 and implementing English language instruction

1 educational programs and curricula that are  
2 scientifically research based.

3 “(c) APPROVAL.—The Secretary, using a peer review  
4 process, shall approve a State plan or a specially qualified  
5 agency plan if the plan meets the requirements of this sec-  
6 tion, and holds reasonable promise of achieving the pur-  
7 pose described in section 3101(c).

8 “(d) DURATION OF THE PLAN.—

9 “(1) IN GENERAL.—Each State plan or spe-  
10 cially qualified agency plan shall—

11 “(A) remain in effect for the duration of  
12 the State’s or specially qualified agency’s par-  
13 ticipation under this subtitle; and;

14 “(B) be periodically reviewed and revised  
15 by the State or specially qualified agency, as  
16 necessary, to reflect changes in the State’s or  
17 specially qualified agency’s strategies and pro-  
18 grams under this subtitle.

19 “(2) ADDITIONAL INFORMATION.—If the State  
20 educational agency or specially qualified agency  
21 makes significant changes in its plan, such as the  
22 adoption of new performance objectives or assess-  
23 ment measures, the State educational agency or spe-  
24 cially qualified agency shall submit such information  
25 to the Secretary.

1       “(e) CONSOLIDATED PLAN.—A State plan submitted  
 2 under subsection (a) may be submitted as part of a con-  
 3 solidated plan under section 8302.

4       “(f) SECRETARY ASSISTANCE.—Pursuant to section  
 5 7004(a)(3), the Secretary shall provide assistance, if re-  
 6 quired, in the development of English language develop-  
 7 ment standards and English language proficiency assess-  
 8 ments.

9       **“SEC. 3106. LOCAL PLANS.**

10       “(a) PLAN REQUIRED.—Each local educational agen-  
 11 cy desiring a grant from the State educational agency  
 12 under section 3104(a) shall submit a plan to the State  
 13 educational agency at such time, in such manner, and ac-  
 14 companied by such information as the State educational  
 15 agency may require.

16       “(b) CONTENTS.—Each local educational agency plan  
 17 submitted under subsection (a) shall—

18               “(1) describe how the local educational agency  
 19 shall use the grant funds to meet the English pro-  
 20 ficiency performance objective described in section  
 21 3109;

22               “(2) describe how the local educational agency  
 23 will hold elementary schools and secondary schools  
 24 accountable for meeting the performance objectives;

1           “(3) contain an assurance that the local edu-  
 2           cational agency consulted with elementary schools  
 3           and secondary schools, education-related community  
 4           groups and nonprofit organizations, institutions of  
 5           higher education, parents, language instruction  
 6           teachers, school administrators, and English lan-  
 7           guage instruction specialists, in developing the local  
 8           educational agency plan; and

9           “(4) contain an assurance that the local edu-  
 10          cational agency will use the disaggregated results of  
 11          the student assessments required under section  
 12          1111(b)(4), and other measures or indicators avail-  
 13          able to the agency, to review annually the progress  
 14          of each school served by the agency under this part  
 15          and under title I to determine whether the schools  
 16          are making the annual progress necessary to ensure  
 17          that limited English proficient students attending  
 18          the schools will meet the proficient State content  
 19          and student performance standard within 10 years  
 20          of enactment of the Public Education Reinvestment,  
 21          Reinvention, and Responsibility Act.

22 **“SEC. 3107. USES OF FUNDS.**

23          “(a) ADMINISTRATIVE EXPENSES.—Each local edu-  
 24          cational agency receiving a grant under section 3104 may

1 use not more than 1 percent of the grant funds for any  
2 fiscal year for the cost of administering this subtitle.

3 “(b) ACTIVITIES.—Each local educational agency re-  
4 ceiving grant funds under section 3104 shall use the grant  
5 funds that are not used under subsection (a)—

6 “(1) to increase limited English proficient stu-  
7 dents’ proficiency in English by providing high-qual-  
8 ity English language instruction programs, such as  
9 bilingual education programs and transitional edu-  
10 cation or English immersion education programs,  
11 that are—

12 “(A) tied to scientifically based research  
13 demonstrating the effectiveness of the programs  
14 in increasing English proficiency; and

15 “(B) approved by the State educational  
16 agency;

17 “(2) to provide high-quality professional devel-  
18 opment activities for teachers of limited English pro-  
19 ficient students that are—

20 “(A) designed to enhance the ability of  
21 such teachers to understand and use curricula,  
22 assessment measures, and instructional strate-  
23 gies for limited English proficient students;

24 “(B) tied to scientifically based research  
25 demonstrating the effectiveness of such pro-

1           grams in increasing students' English pro-  
2           ficiency or substantially increasing the knowl-  
3           edge and teaching skills of such teachers; and  
4           “(C) of sufficient intensity and duration  
5           (such as not to include 1-day or short-term  
6           workshops and conferences) to have a positive  
7           and lasting impact on the teacher's perform-  
8           ance in the classroom, except that this para-  
9           graph shall not apply to an activity that is 1  
10          component of a long-term, comprehensive pro-  
11          fessional development plan established by a  
12          teacher and the teacher's supervisor based upon  
13          an assessment of the teacher's and supervisor's  
14          needs, the student's needs, and the needs of the  
15          local educational agency;

16          “(3) to identify, acquire, and upgrade curricula,  
17          instructional materials, educational software, and as-  
18          sessment procedures; and

19          “(4) to provide parent and community partici-  
20          pation programs to improve English language in-  
21          struction programs for limited English proficient  
22          students.

23   **“SEC. 3108. PROGRAM REQUIREMENTS.**

24          “(a) PROHIBITION.—In carrying out this subtitle the  
25   Secretary shall neither mandate nor preclude a particular

1 curricular or pedagogical approach to educating limited  
2 English proficient students.

3 “(b) **TEACHER ENGLISH FLUENCY.**—Each local edu-  
4 cational agency receiving grant funds under section 3104  
5 shall certify to the State educational agency that all teach-  
6 ers in any language instruction program for limited  
7 English proficient students funded under this subtitle are  
8 fluent in English.

9 **“SEC. 3109. PERFORMANCE OBJECTIVES.**

10 “(a) **IN GENERAL.**—Each State educational agency  
11 or specifically qualified agency receiving a grant under this  
12 subtitle shall develop annual numerical performance objec-  
13 tives with respect to helping limited English proficient stu-  
14 dents become proficient in English. The objectives shall  
15 include incremental percentage increases for each fiscal  
16 year a State receives a grant under this subtitle, including  
17 increases in the number of limited English proficient stu-  
18 dents demonstrating an increase in performance on annual  
19 assessments in reading, writing, speaking, and listening  
20 comprehension, from the preceding fiscal year.

21 “(b) **ACCOUNTABILITY.**—Each State educational  
22 agency or specially qualified agency receiving a grant  
23 under this subtitle shall be held accountable for meeting  
24 the annual numerical performance objectives under this  
25 subtitle and the adequate yearly progress levels for limited

1 English proficient students under section  
 2 1111(b)(2)(B)(iv) and (vii). Any State educational agency  
 3 or specially qualified agency that fails to meet the annual  
 4 performance objectives shall be subject to sanctions under  
 5 section 7001.

6 **“SEC. 3110. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated to carry out  
 8 this subtitle \$1,000,000,000 for fiscal year 2001, and such  
 9 sums as may be necessary for each of the 4 succeeding  
 10 fiscal years.

11 **“SEC. 3111. REGULATIONS AND NOTIFICATION.**

12 “(a) REGULATION RULE.—In developing regulations  
 13 under this subtitle, the Secretary shall consult with State  
 14 educational agencies, local educational agencies, organiza-  
 15 tions representing limited English proficient individuals,  
 16 and organizations representing teachers and other per-  
 17 sonnel involved in the education of limited English pro-  
 18 ficient students.

19 “(b) PARENTAL NOTIFICATION.—

20 “(1) IN GENERAL.—Each local educational  
 21 agency shall notify parents of a student partici-  
 22 pating in a language instruction educational pro-  
 23 gram under this subtitle of—

24 “(A) the student’s level of English pro-  
 25 ficiency, how such level was assessed, the status

1 of the student's academic achievement, and the  
2 implications of the student's educational  
3 strengths and needs for age- and grade-appro-  
4 priate academic attainment, promotion, and  
5 graduation;

6 “(B) what programs are available to meet  
7 the student's educational strengths and needs,  
8 and how such programs differ in content and  
9 instructional goals from other language instruc-  
10 tion educational programs and, in the case of a  
11 student with a disability, how such program  
12 meets the objectives of the individualized edu-  
13 cation program of such a student; and

14 “(C) the instructional goals of the lan-  
15 guage instruction educational program, and  
16 how the program will specifically help the lim-  
17 ited English proficient student learn English  
18 and meet age-appropriate standards for grade  
19 promotion and graduation, including—

20 “(i) the characteristics, benefits, and  
21 past academic results of the language in-  
22 struction educational program and of in-  
23 structional alternatives; and

1                   “(ii) the reasons the student was iden-  
2                   tified as being in need of a language in-  
3                   struction educational program.

4                   “(2) OPTION TO DECLINE.—

5                   “(A) IN GENERAL.—Each parent described  
6                   in paragraph (1) shall also be informed that the  
7                   parent has the option of declining the enroll-  
8                   ment of their children or youth in a language  
9                   instruction educational program, and shall be  
10                  given an opportunity to decline such enrollment  
11                  if the parent so chooses.

12                  “(B) OBLIGATIONS.—A local educational  
13                  agency shall not be relieved of any of the agen-  
14                  cy’s obligations under title VI of the Civil  
15                  Rights Act of 1964 (42 U.S.C. 2000d et seq.)  
16                  if a parent chooses not to enroll their child in  
17                  a language instruction educational program.

18                  “(3) RECEIPT OF INFORMATION.—A parent de-  
19                  scribed in paragraph (1) shall receive, in a manner  
20                  and form understandable to the parent including, if  
21                  necessary and to the extent feasible, in the native  
22                  language of the parent, the information required by  
23                  this subsection. At a minimum, the parent shall  
24                  receive—

1           “(A) timely information about projects  
2 funded under this subtitle; and

3           “(B) if the parent of a participating child  
4 so desires, notice of opportunities for regular  
5 meetings for the purpose of formulating and re-  
6 sponding to recommendations from parents of  
7 children assisted under this subtitle.

8           “(4) SPECIAL RULE.—A student shall not be  
9 admitted to, or excluded from, any Federally as-  
10 sisted language instruction educational program  
11 solely on the basis of a surname or language-minor-  
12 ity status.

13           “(5) LIMITATIONS ON CONDITIONS.—Nothing  
14 in this subtitle shall be construed to authorize an of-  
15 ficer or employee of the Federal Government to  
16 mandate, direct, or control a State’s, local edu-  
17 cational agency’s, elementary school’s, or secondary  
18 school’s specific challenging English language devel-  
19 opment standards or assessments, curricula, or pro-  
20 gram of instruction, as a condition of eligibility to  
21 receive grant funds under this subtitle.”.

22 **SEC. 302. EMERGENCY IMMIGRANT EDUCATION PROGRAM.**

23           (a) REPEALS, TRANSFERS, AND REDESIGNATIONS.—  
24 Title III (20 U.S.C. 6801 et seq.) is further amended—

1           (1) by repealing part B (20 U.S.C. 6891 et  
2       seq.), part C (20 U.S.C. 6921 et seq.), part D (20  
3       U.S.C. 6951 et seq.), and part E (20 U.S.C. 6971  
4       et seq. );

5           (2) by transferring part C of title VII (20  
6       U.S.C. 7541 et seq.) to title III and inserting such  
7       part after subtitle A (as inserted by section 301(3));

8           (3) by redesignating the heading for part C of  
9       title VII (as transferred by paragraph (2)) as the  
10      heading for subtitle B, and redesignating accord-  
11      ingly the references to such part as the references to  
12      such subtitle; and

13          (4) by redesignating section 7301 through 7309  
14      (20 U.S.C. 7541, 7549) (as transferred by para-  
15      graph (2)) as sections 3201 through 3209, respec-  
16      tively, and redesignating accordingly the references  
17      to such sections.

18      (b) AMENDMENTS.—Subtitle B of title III (as so  
19      transferred and redesignated) is amended—

20          (1) in section 3205(a)(2) (as redesignated by  
21      subsection (a)(4)), by striking “the Goals 2000:  
22      Educate America Act,”; and

23          (2) in section 3209 (as redesignated by sub-  
24      section (a)(4)), by striking “\$100,000,000” and all  
25      that follows through “necessary for” and inserting

1 “such sums as may be necessary for fiscal year 2001  
2 and”.

3 **SEC. 303. INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE**  
4 **EDUCATION.**

5 (a) REPEALS, TRANSFERS, AND REDESIGNATIONS.—  
6 Title III (20 U.S.C 6801 et seq.) is further amended—

7 (1) by transferring title IX (20 U.S.C. 7801 et  
8 seq.) to title III and inserting such title after sub-  
9 title B (as inserted by section 302(a)(2));

10 (2) by redesignating the heading for title IX (as  
11 transferred by paragraph (1)) as the heading for  
12 subtitle C, and redesignating accordingly the ref-  
13 erences to such title as the references to such sub-  
14 title;

15 (3) by redesignating sections 9101 and 9102  
16 (20 U.S.C. 7801, 7802) (as transferred by para-  
17 graph (1)) as sections 3301 and 3302, respectively,  
18 and redesignating accordingly the references to such  
19 sections;

20 (4) by redesignating sections 9111 through  
21 9118 (20 U.S.C. 7811, 7818) (as transferred by  
22 paragraph (1)) as sections 3311 through 3318, re-  
23 spectively, and redesignating accordingly the ref-  
24 erences to such sections;

1           (5) by redesignating sections 9121 through  
2           9125 (20 U.S.C. 7831, 7835) (as transferred by  
3           paragraph (1)) as sections 3321 through 3325, and  
4           redesignating accordingly the references to such sec-  
5           tion;

6           (6) by redesignating sections 9131 and 9141  
7           (20 U.S.C. 7851, 7861) (as transferred by para-  
8           graph (1)) as sections 3331 and 3341, respectively,  
9           and redesignating accordingly the references to such  
10          sections;

11          (7) by redesignating sections 9151 through  
12          9154 (20 U.S.C. 7871, 7874) (as transferred by  
13          paragraph (1)) as sections 3351 through 3354, re-  
14          spectively, and redesignating accordingly the ref-  
15          erences to such sections;

16          (8) by redesignating sections 9161 and 9162  
17          (20 U.S.C. 7881, 7882) (as transferred by para-  
18          graph (1)) as sections 3361 and 3362, respectively,  
19          and redesignating accordingly the references to such  
20          sections;

21          (9) by redesignating sections 9201 through  
22          9212 (20 U.S.C. 7901, 7912) (as transferred by  
23          paragraph (1)) as sections 3401 through 3412, re-  
24          spectively, and redesignating accordingly the ref-  
25          erences to such sections; and

1           (10) by redesignating sections 9301 through  
2           9308 (20 U.S.C. 7931, 7938) (as transferred by  
3           paragraph (1)) as sections 3501 through 3508, and  
4           redesignating accordingly the references to such sec-  
5           tions.

6           (b) AMENDMENTS.—Subtitle C of title III (as so  
7           transferred and redesignated) is amended—

8           (1) by amending section 3314(b)(2)(A) (as re-  
9           designated by subsection (a)(4)) to read as follows:

10           “(2)(A) is consistent with, and promotes the  
11           goals in, the State and local improvement plans  
12           under sections 1111 and 1112”;

13           (2) by amending section 3325(e) (as redesign-  
14           nated by subsection (a)(5)) to read as follows:

15           “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
16           are authorized to be appropriated such sums as may be  
17           necessary to carry out this subpart for fiscal year 2001  
18           and each of the 4 succeeding years.”;

19           (3) in section 3361(4)(E) (as redesignated by  
20           subsection (a)(8)), by striking “the Act entitled the  
21           ‘Improving America’s Schools Act of 1994’” and in-  
22           serting “the Public Education Reinvestment, Re-  
23           invention, and Responsibility Act”;

24           (4) by amending section 3362 (as redesignated  
25           by subsection (a)(8)) to read as follows:

1 **“SEC. 3262. AUTHORIZATION OF APPROPRIATIONS.**

2 “For the purpose of carrying out subparts 1 through  
3 5 of this part, there are authorized to be appropriated to  
4 the Department of Education such sums as may be nec-  
5 essary for fiscal year 2001 and each of the 4 succeeding  
6 years.”;

7 (5) in section 3404 (as redesignated by sub-  
8 section (a)(9))—

9 (A) in subsection (i), by striking “Improv-  
10 ing America’s Schools Act of 1994” and insert-  
11 ing “Public Education Reinvestment, Reinven-  
12 tion, and Responsibility Act”; and

13 (B) in subsection (j), by striking  
14 “\$500,000 for fiscal year 1995, and such sums  
15 as may be necessary” and inserting “such sums  
16 as may be necessary for fiscal year 2001, and”;

17 (6) in section 3405(c) (as redesignated by sub-  
18 section (a)(9)), by striking “\$6,000,000 for fiscal  
19 year 1995, and such sums as may be necessary” and  
20 inserting “such sums as may be necessary for fiscal  
21 year 2001, and”;

22 (7) in section 3406(e) (as redesignated by sub-  
23 section (a)(9)), by striking “\$2,000,000 for fiscal  
24 year 1995, and such sums as may be necessary” and  
25 inserting “such sums as may be necessary for fiscal  
26 year 2001, and”;

1           (8) in section 3407(e) (as redesignated by sub-  
2           section (a)(9)), by striking “\$1,500,000 for fiscal  
3           year 1995, and such sums as may be necessary” and  
4           inserting “such sums as may be necessary for fiscal  
5           year 2001, and”;

6           (9) in section 3408(c) (as redesignated by sub-  
7           section (a)(9)), by striking “\$2,000,000 for fiscal  
8           year 1995, and such sums as may be necessary” and  
9           inserting “such sums as may be necessary for fiscal  
10          year 2001, and”;

11          (10) in section 3409(d) (as redesignated by  
12          subsection (a)(9)), by striking “\$2,000,000 for fiscal  
13          year 1995, and such sums as may be necessary” and  
14          inserting “such sums as may be necessary for fiscal  
15          year 2001, and”;

16          (11) in section 3410(d) (as redesignated by  
17          subsection (a)(9)), by striking “\$1,000,000 for fiscal  
18          year 1995, and such sums as may be necessary” and  
19          inserting “such sums as may be necessary for fiscal  
20          year 2001, and”;

21          (12) in section 3504(c) (as redesignated by sub-  
22          section (a)(10)), by striking “\$5,000,000 for fiscal  
23          year 1995, and such sums as may be necessary” and  
24          inserting “such sums as may be necessary for fiscal  
25          year 2001, and”;

1           (13) in section 3505(e) (as redesignated by sub-  
 2           section (a)(10)), by striking “\$2,000,000 for fiscal  
 3           year 1995, and such sums as may be necessary” and  
 4           inserting “such sums as may be necessary for fiscal  
 5           year 2001, and”; and

6           (14) in section 3506(d) (as redesignated by  
 7           subsection (a)(10)), by striking “\$1,000,000 for fis-  
 8           cal year 1995, and such sums as may be necessary”  
 9           and inserting “such sums as may be necessary for  
 10          fiscal year 2001, and”.

## 11           **TITLE IV—PUBLIC SCHOOL** 12                           **CHOICE**

### 13   **SEC. 401. PUBLIC SCHOOL CHOICE.**

14           (a) MAGNET SCHOOLS AMENDMENTS.—Section  
 15   5113(a) (20 U.S.C. 7213(a)) is amended—

16           (1) by striking “\$120,000,000” and inserting  
 17           “\$130,000,000”; and

18           (2) by striking “1995” and inserting “2001”.

19           (b) CHARTER SCHOOLS AMENDMENTS.—

20           (1) PARALLEL ACCOUNTABILITY.—Section  
 21   10302 (20 U.S.C. 8062) is amended by adding at  
 22   the end the following:

23           “(g) PARALLEL ACCOUNTABILITY.—Each State edu-  
 24   cational agency receiving a grant under this part shall  
 25   hold charter schools assisted under this part accountable

1 for adequate yearly progress for improving student per-  
 2 formance under title I and as established in the school’s  
 3 charter, including the use of the same standards and as-  
 4 sessments as established under title I.”.

5 (2) AUTHORIZATION OF APPROPRIATIONS.—

6 Section 10311 (20 U.S.C. 8067) is amended.—

7 (A) by striking “\$100,000,000” and in-  
 8 serting “\$200,000,000”; and

9 (B) by striking “1999” and inserting  
 10 “2001”.

11 (c) REPEALS, TRANSFERS AND REDESIGNATIONS.—

12 The Act (20 U.S.C. 6301 et seq.) is amended—

13 (1) by amending the heading for title IV (20  
 14 U.S.C. 7101 et seq.) to read as follows:

15 **“TITLE IV—PUBLIC SCHOOL**  
 16 **CHOICE”;**

17 (2) by amending section 4001 to read as fol-  
 18 lows:

19 **“SEC. 4001. FINDINGS, POLICY, AND PURPOSE.**

20 “(a) FINDINGS.—Congress makes the following find-  
 21 ings:

22 “(1)(A) Charter schools and magnet schools are  
 23 an integral part of the educational system in the  
 24 United States.

1           “(1)(B) Thirty-four States and the District of  
2 Columbia have established charter schools.

3           “(1)(C) Magnet schools have been established  
4 throughout the United States.

5           “(1)(D) A Department of Education evaluation  
6 of charter schools shows that 59 percent of charter  
7 schools reported that lack of start-up funds posed a  
8 difficult or very difficult challenge for the school.

9           “(2) State educational agencies and local edu-  
10 cational agencies should hold all schools accountable  
11 for the improved performance of all students, includ-  
12 ing students attending charter schools and magnet  
13 schools, under State standards and student assess-  
14 ment measures.

15           “(3) School report cards constitute the key in-  
16 formational component used by parents for effective  
17 public school choice.

18           “(b) POLICY.—Congress declares it to be the policy  
19 of the United States—

20           “(1) to support and stimulate improved public  
21 school performance through increased public elemen-  
22 tary school and secondary school competition and in-  
23 creased Federal financial assistance; and

24           “(2) to provide parents with more choices  
25 among public school options.

1       “(c) PURPOSES.—The purposes of this title are as  
2 follows:

3           “(1) To consolidate public school choice pro-  
4 grams into 1 title.

5           “(2) To increase Federal assistance for magnet  
6 schools and charter schools.

7           “(3) To help parents make better and more in-  
8 formed choices by—

9               “(A) providing continued support and fi-  
10 nancial assistance for magnet schools;

11               “(B) providing continued support and ex-  
12 pansion of charter schools and charter school  
13 districts; and

14               “(C) providing financial assistance to  
15 States and local educational agencies for the de-  
16 velopment of local educational agency and  
17 school report cards.”;

18           (3) by repealing sections 4002 through 4004  
19 (20 U.S.C. 7102, 7104), and part A (20 U.S.C.  
20 7111 et seq.), of title IV;

21           (4) by transferring part A of title V (20 U.S.C.  
22 7201 et seq.) (as amended by subsection (a)) to title  
23 IV and inserting such part A after section 4001;

24           (5) by redesignating sections 5101 through  
25 5113 (20 U.S.C. 7201, 7213) (as transferred by

1 paragraph (4)) as sections 4101 through 4113, re-  
2 spectively, and by redesignating accordingly the ref-  
3 erences to such sections in part A of title IV (as so  
4 transferred);

5 (6) by transferring part C of title X (20 U.S.C.  
6 8061 et seq.) (as amended by subsection (b)) to title  
7 IV and inserting such part C after part A of title  
8 IV (as transferred by paragraph (4));

9 (7) by redesignating part C of title IV (as  
10 transferred by paragraph (6)) as part B of title IV;  
11 and

12 (8) by redesignating sections 10301 through  
13 10311 (20 U.S.C. 8061, 8067) (as transferred by  
14 paragraph (6)) as sections 4201 through 4211, re-  
15 spectively, and by redesignating accordingly the ref-  
16 erences to such sections in such part B of title IV  
17 (as so transferred and redesignated).

18 **SEC. 402. DEVELOPMENT OF PUBLIC SCHOOL CHOICE PRO-**  
19 **GRAMS; REPORT CARDS.**

20 Title IV (20 U.S.C. 7101 et seq.) is further amended  
21 by adding at the end the following:

1     **“PART C—DEVELOPMENT OF PUBLIC SCHOOL**

2                     **CHOICE PROGRAMS**

3     **“SEC. 4301. GRANTS AUTHORIZED.**

4             “(a) IN GENERAL.—From amounts made available to  
5 carry out this part for a fiscal year under section 4305,  
6 and not reserved under subsection (b), the Secretary is  
7 authorized to award grants, on a competitive basis, to local  
8 educational agencies to enable the local educational agen-  
9 cies to develop local public school choice programs.

10            “(b) RESERVATION FOR EVALUATION, TECHNICAL  
11 ASSISTANCE, AND DISSEMINATION.—From the amount  
12 appropriated under section 4305 for any fiscal year, the  
13 Secretary may reserve not more than 5 percent to carry  
14 out evaluations under subsection (c), to provide technical  
15 assistance, and to disseminate information.

16            “(c) EVALUATIONS.—The Secretary may use funds  
17 reserved under subsection (b) to carry out 1 or more eval-  
18 uations of programs assisted under this part, which shall,  
19 at a minimum, address—

20                   “(1) how, and the extent to which, the pro-  
21 grams supported with funds under this part promote  
22 educational equity and excellence; and

23                   “(2) the extent to which public schools of choice  
24 supported with funds under this part are—

25                           “(A) held accountable to the public;

1                   “(B) effective in improving public edu-  
2                   cation; and

3                   “(C) open and accessible to all students.

4           “(b) DURATION.—Grants under this part may be  
5           awarded for a period not to exceed 3 years.

6   **“SEC. 4302. DEFINITION OF HIGH-POVERTY LOCAL EDU-**  
7                   **CATIONAL AGENCY.**

8           “‘In this part, the term ‘high-poverty local educational  
9           agency’ means a local educational agency in which the per-  
10          centage of children, ages 5 to 17, from families with in-  
11          comes below the poverty line (as defined by the Office of  
12          Management and Budget and revised annually in accord-  
13          ance with section 673(2) of the Community Services Block  
14          Grant Act (42 U.S.C. 9902(2))) applicable to a family of  
15          the size involved for the most recent fiscal year for which  
16          satisfactory data are available is 20 percent or greater.

17   **“SEC. 4303. USES OF FUNDS.**

18           “(a) IN GENERAL.—

19                   “(1) PUBLIC SCHOOL CHOICE.—Funds under  
20           this part may be used to demonstrate, develop, im-  
21           plement, evaluate, and disseminate information on  
22           innovative approaches to promote public school  
23           choice, including the design and development of new  
24           public school choice options, the development of new  
25           strategies for overcoming barriers to effective public

1 school choice, and the design and development of  
2 public school choice systems that promote high  
3 standards for all students and the continuous im-  
4 provement of all public schools.

5 “(2) INNOVATIVE APPROACHES.—Such ap-  
6 proaches at the school, local educational agency, and  
7 State levels may include—

8 “(A) inter-district approaches to public  
9 school choice, including approaches that in-  
10 crease equal access to high-quality educational  
11 programs and diversity in schools;

12 “(B) public elementary and secondary pro-  
13 grams that involve partnerships with institu-  
14 tions of higher education and that are located  
15 on the campuses of those institutions;

16 “(C) programs that allow students in pub-  
17 lic secondary schools to enroll in postsecondary  
18 courses and to receive both secondary and post-  
19 secondary academic credit;

20 “(D) worksite satellite schools, in which  
21 State or local educational agencies form part-  
22 nerships with public or private employers, to  
23 create public schools at parents’ places of em-  
24 ployment; and

1           “(E) approaches to school desegregation  
2           that provide students and parents choice  
3           through strategies other than magnet schools.

4           “(b) LIMITATIONS.—Funds under this part—

5           “(1) shall supplement, and not supplant, non-  
6           Federal funds expended for existing public school  
7           choice programs; and

8           “(2) may be used for providing transportation  
9           services or costs, except that not more than 10 per-  
10          cent of the funds received under this part shall be  
11          used by the local educational agency to provide such  
12          services or costs.

13   **“SEC. 4304. GRANT APPLICATION; PRIORITIES.**

14          “(a) APPLICATION REQUIRED.—A State or local edu-  
15          cational agency desiring to receive a grant under this part  
16          shall submit an application to the Secretary.

17          “(b) APPLICATION CONTENTS.—Each application  
18          shall include—

19               “(1) a description of the program for which  
20               funds are sought and the goals for such program;

21               “(2) a description of how the program funded  
22               under this part will be coordinated with, and will  
23               complement and enhance, programs under other re-  
24               lated Federal and non-Federal projects;

1           “(3) if the program includes partners, the name  
2           of each partner and a description of the partner’s  
3           responsibilities;

4           “(4) a description of the policies and procedures  
5           the applicant will use to ensure—

6                   “(A) its accountability for results, includ-  
7                   ing its goals and performance indicators; and

8                   “(B) that the program is open and acces-  
9                   sible to, and will promote high academic stand-  
10                  ards for, all students; and

11           “(5) such other information as the Secretary  
12           may require.

13           “(c) PRIORITIES.—

14                   “(1) HIGH-POVERTY AGENCIES.—The Secretary  
15                   shall give a priority to applications for projects that  
16                   would serve high-poverty local educational agencies.

17                   “(2) PARTNERSHIPS.—The Secretary may give  
18                   a priority to applications demonstrating that the ap-  
19                   plicant will carry out the applicant’s project in part-  
20                   nership with 1 or more public and private agencies,  
21                   organizations, and institutions, including institutions  
22                   of higher education and public and private employ-  
23                   ers.

1 **“SEC. 4305. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to carry out  
3 this part \$100,000,000 for fiscal year 2001 and such sums  
4 as may be necessary for each of the 4 succeeding fiscal  
5 years.

6 **“PART D—REPORT CARDS**

7 **“SEC. 4401. REPORT CARDS.**

8       “(a) GRANTS AUTHORIZED.—The Secretary shall  
9 award a grant, from allotments under subsection (b), to  
10 each State having a State report card meeting the require-  
11 ments described in subsection (g), to enable the State an-  
12 nually to publish report cards for each elementary school  
13 and secondary school that receives funding under this Act  
14 and is served by the State.

15       “(b) RESERVATIONS AND ALLOTMENTS.—

16               “(1) RESERVATIONS.—From the amount appro-  
17 priated under subsection (e) to carry out this part  
18 for each fiscal year, the Secretary shall reserve—

19                       “(A)  $\frac{1}{2}$  of 1 percent of such amount for  
20 payments to the Secretary of the Interior for  
21 activities approved by the Secretary, consistent  
22 with this part, in schools operated or supported  
23 by the Bureau of Indian Affairs, on the basis  
24 of their respective needs for assistance under  
25 this part; and

1           “(B)  $\frac{1}{2}$  of 1 percent of such amount for  
2           payments to outlying areas, to be allotted in ac-  
3           cordance with their respective needs for assist-  
4           ance under this part, as determined by the Sec-  
5           retary, for activities, approved by the Secretary,  
6           consistent with this part.

7           “(2) STATE ALLOTMENTS.—From the amount  
8           appropriated under subsection (e) for a fiscal year  
9           and remaining after the Secretary makes reserva-  
10          tions under paragraph (1), the Secretary shall allot  
11          to each State having a State report card meeting the  
12          requirements described in subsection (g) an amount  
13          that bears the same relationship to the remainder as  
14          the number of public school students enrolled in ele-  
15          mentary schools and secondary schools in the State  
16          bears to the number of such students so enrolled in  
17          all States.

18          “(c) WITHIN-STATE ALLOCATIONS.—Each State  
19          educational agency receiving a grant under subsection (a)  
20          shall allocate the grant funds that remain after making  
21          the reservation described in subsection (d) to each local  
22          educational agency in the State in an amount that bears  
23          the same relationship to the remainder as the number of  
24          public school students enrolled in elementary schools and  
25          secondary schools served by the local educational agency

1 bears to the number of such students so enrolled in all  
2 local educational agencies within the State.

3 “(d) STATE RESERVATION OF FUNDS.—Each State  
4 educational agency receiving a grant under subsection (a)  
5 may reserve—

6 “(1) not more than 10 percent of the grant  
7 funds to carry out activities described under sub-  
8 sections (f) and (g), and (i)(1) for fiscal year 2001;  
9 and

10 “(2) not more than 5 percent of the grant  
11 funds to carry out activities described under sub-  
12 sections (f) and (g), and (i)(1) for fiscal year 2002  
13 and each of the 3 succeeding fiscal years.

14 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated to carry out this part  
16 \$5,000,000 for fiscal year 2001 and such sums as may  
17 be necessary for each of the 4 succeeding fiscal years.

18 “(f) ANNUAL STATE REPORT.—

19 “(1) REPORTS REQUIRED.—

20 “(A) IN GENERAL.—Except as provided in  
21 paragraph (3), not later than the beginning of  
22 the 2001–2002 school year, a State that re-  
23 ceives assistance under this Act shall prepare  
24 and disseminate an annual report on all elemen-  
25 tary schools and secondary schools within the

1 State that receive funds under part A of title I  
2 or part A of title II.

3 “(B) STATE REPORT CARDS ON EDU-  
4 CATION.—In the case of a State that publishes  
5 State report cards on education, the State shall  
6 include in such report cards the information de-  
7 scribed in subsection (g).

8 “(C) REPORT CARDS ON ALL PUBLIC  
9 SCHOOLS.—In the case of a State that pub-  
10 lishes a report card on all public elementary  
11 schools and secondary schools in the State, the  
12 State shall include, at a minimum, the informa-  
13 tion described in subsection (g) for all schools  
14 that receive funds under part A of title I or  
15 part A of title II.

16 “(2) IMPLEMENTATION; REQUIREMENTS.—

17 “(A) IMPLEMENTATION.—The State shall  
18 ensure implementation at all levels of the report  
19 cards described in paragraph (1).

20 “(B) REQUIREMENTS.—Annual report  
21 cards under this part shall be—

22 “(i) concise; and

23 “(ii) presented in a format and man-  
24 ner that parents can understand including,

1 to the extent practicable, in a language the  
2 parents can understand.

3 “(3) PUBLICATION THROUGH OTHER MEANS.—

4 In the event that the State provides no such report  
5 card, the State shall, not later than the beginning of  
6 the 2001–2002 school year, publicly report the infor-  
7 mation described in subsection (g) for all schools  
8 that receive funds under part A of title I or part A  
9 of title II through other public means.

10 “(g) CONTENT OF ANNUAL STATE REPORTS.—

11 “(1) REQUIRED INFORMATION.—Each State de-  
12 scribed in subsection (f)(1)(A), at a minimum, shall  
13 include in the annual State report information on  
14 each local educational agency and school that re-  
15 ceives funds under part A of title I or part A of title  
16 II within the State, including information  
17 regarding—

18 “(A) student performance on statewide as-  
19 sessments for the year for which the annual  
20 State report is made, and the preceding year, in  
21 at least English language arts and mathe-  
22 matics, including—

23 “(i) a comparison of the proportions  
24 of students who performed at the basic,  
25 proficient, and advanced levels in each sub-

1           ject area, for each grade level at which as-  
2           ssessments are required under title I, with  
3           proportions in each of the same 4 levels at  
4           the same grade levels in the previous  
5           school year;

6           “(ii) a statement on the 3-year trend  
7           in the percentage of students performing  
8           at the basic, proficient, and advanced levels  
9           in each subject area, for each grade level  
10          for which assessments are required under  
11          title I; and

12          “(iii) a statement of the percentage of  
13          students not tested and a listing of cat-  
14          egories of the reasons why such students  
15          were not tested;

16          “(B) student retention rates in grades, the  
17          number of students completing advanced place-  
18          ment courses, and 4-year graduation rates;

19          “(C) the professional qualifications of  
20          teachers in the aggregate, including the per-  
21          centage of teachers teaching with emergency or  
22          provisional credentials, the percentage of class  
23          sections not taught by fully qualified teachers,  
24          and the percentage of teachers who are fully  
25          qualified; and

1           “(D) the professional qualifications of  
2           paraprofessionals in the aggregate, the number  
3           of paraprofessionals in the aggregate, and the  
4           ratio of paraprofessionals to teachers in the  
5           classroom.

6           “(2) STUDENT DATA.—Student data in each re-  
7           port shall contain disaggregated results for the fol-  
8           lowing categories:

9           “(A) Racial and ethnic groups.

10          “(B) Gender.

11          “(C) Economically disadvantaged students,  
12          as compared to students who are not economi-  
13          cally disadvantaged.

14          “(D) Students with limited English pro-  
15          ficiency, as compared to students who are pro-  
16          ficient in English.

17          “(3) OPTIONAL INFORMATION.—A State may  
18          include in the State annual report any other infor-  
19          mation the State determines appropriate to reflect  
20          school quality and school achievement, including by  
21          grade level information on average class size and in-  
22          formation on school safety, such as the incidence of  
23          school violence and drug and alcohol abuse, and the  
24          incidence of student suspensions and expulsions.

1           “(4) WAIVER.—The Secretary may grant a  
2           waiver to a State seeking a waiver of the require-  
3           ments of this subsection if the State demonstrates to  
4           the Secretary that—

5                   “(A) the content of existing State report  
6           cards meets the goals of this part; and

7                   “(B) the State is taking identifiable steps  
8           to meet the requirements of this subsection.

9           “(h) LOCAL EDUCATIONAL AGENCY AND SCHOOL  
10   REPORT CARDS.—

11           “(1) REPORT REQUIRED.—

12                   “(A) IN GENERAL.—The State shall ensure  
13           that each local educational agency, elementary  
14           school, or secondary school receiving funds  
15           under part A of title I or part A of title II in  
16           the State, collects appropriate data and pub-  
17           lishes an annual report card consistent with  
18           this subsection.

19                   “(B) REQUIRED INFORMATION.—Each  
20           local educational agency, elementary school, and  
21           secondary school described in subparagraph  
22           (A), at a minimum, shall include in its annual  
23           report card—

1 “(i) the information described in sub-  
2 sections (g)(1) and (2) for each local edu-  
3 cational agency and school;

4 “(ii) in the case of a local educational  
5 agency—

6 “(I) information regarding the  
7 number and percentage of schools  
8 identified for school improvement, in-  
9 cluding schools identified under sec-  
10 tion 1116 of this Act, served by the  
11 local educational agency;

12 “(II) information on the 3-year  
13 trend in the number and percentage  
14 of elementary schools and secondary  
15 schools identified for school improve-  
16 ment; and

17 “(III) information that shows  
18 how students in the schools served by  
19 the local educational agency perform  
20 on the statewide assessment compared  
21 to students in the State as a whole;

22 “(iii) in the case of an elementary  
23 school or a secondary school—

1                   “(I)     information     regarding  
2                   whether the school has been identified  
3                   for school improvement; and

4                   “(II) information that shows how  
5                   the school’s students performed on the  
6                   statewide assessment compared to  
7                   students in schools served by the same  
8                   local educational agency and to all  
9                   students in the State; and

10                  “(iii) other appropriate information,  
11                  whether or not the information is included  
12                  in the annual State report.

13                  “(2) SPECIAL RULE.—A local educational agen-  
14                  cy that issues report cards for all public elementary  
15                  schools and secondary schools served by the agency  
16                  shall include, at a minimum, the information de-  
17                  scribed in subsection (g) for all schools that receive  
18                  funds under part A of title I or part A of title II.

19                  “(i) DISSEMINATION AND ACCESSIBILITY OF RE-  
20                  PORTS AND REPORT CARDS.—

21                  “(1) STATE REPORTS.—State annual reports  
22                  under subsection (g) shall be disseminated to all ele-  
23                  mentary schools, secondary schools, and local edu-  
24                  cational agencies in the State, and made broadly  
25                  available to the public through means such as post-

1       ing on the Internet and distribution to the media,  
2       and through public agencies.

3           “(2) LOCAL REPORT CARDS.—Local educational  
4       agency report cards under subsection (h) shall be  
5       disseminated to all elementary schools and secondary  
6       schools served by the local educational agency and to  
7       all parents of students attending such schools, and  
8       made broadly available to the public through means  
9       such as posting on the Internet and distribution to  
10      the media, and through public agencies.

11          “(3) SCHOOL REPORT CARDS.—Elementary  
12      school and secondary school report cards under sub-  
13      section (h) shall be disseminated to all parents of  
14      students attending that school, and made broadly  
15      available to the public, through means such as post-  
16      ing on the Internet and distribution to the media,  
17      and through public agencies.

18      “(j) PARENTS RIGHT-TO-KNOW.—

19          “(1) QUALIFICATIONS.—A local educational  
20      agency that receives funds part A of title I or part  
21      A of title II shall provide, upon request, in an under-  
22      standable and uniform format, to any parent of a  
23      student attending any school receiving funds under  
24      part A of title I or part A of title II, information  
25      regarding the professional qualifications of the stu-

1       dent’s classroom teachers, including, at a  
2       minimum—

3               “(A) whether the teacher has met State  
4               certification or licensing criteria for the grade  
5               levels and subject areas in which the teacher  
6               provides instruction;

7               “(B) whether the teacher is teaching under  
8               emergency or other provisional status through  
9               which State certification or licensing criteria  
10              are waived;

11              “(C) the baccalaureate degree major of the  
12              teacher, any other graduate certification or de-  
13              gree held by the teacher, and the field of dis-  
14              cipline of each such certification or degree; and

15              “(D) whether the student is provided serv-  
16              ices by paraprofessionals, and the qualifications  
17              of any such paraprofessional.

18              “(2) ADDITIONAL INFORMATION.—In addition  
19              to the information that parents may request under  
20              paragraph (1), and the information provided in re-  
21              port cards under this part, a school that receives  
22              funds under part A of title I or part A of title II  
23              shall provide, to the extent practicable, to each indi-  
24              vidual parent or guardian—

1           “(A) information on the level of perform-  
 2           ance of the individual student, for whom they  
 3           are the parent or guardian, in each of the State  
 4           assessments as required under part A of title I;  
 5           and

6           “(B) timely notice that the student, for  
 7           whom they are the parent or guardian, was as-  
 8           signed or taught for 2 or more consecutive  
 9           weeks by a substitute teacher or by a teacher  
 10          not fully qualified.

11          “(k) COORDINATION OF STATE PLAN CONTENT.—A  
 12          State shall include in its plan under part A of title I or  
 13          part A of title II, an assurance that the State has in effect  
 14          a policy that meets the requirements of this section.

15          “(l) PRIVACY.—Information collected under this sec-  
 16          tion shall be collected and disseminated in a manner that  
 17          protects the privacy of individuals.

18          “(m) DEFINITION.—The term ‘State’ means each of  
 19          the several States of the United States, the District of  
 20          Columbia, and the Commonwealth of Puerto Rico.

## 21                   **TITLE V—IMPACT AID**

### 22   **SEC. 501. IMPACT AID.**

23          (a) Section 8014 (20 U.S.C. 7714) is amended—

24                  (1) in subsection (a)—

1 (A) by striking “\$16,750,000 for fiscal  
2 year 1995 and”; and

3 (B) by inserting “fiscal year 2001 and”  
4 after “necessary for”;  
5 (2) in subsection (b)—

6 (A) by striking “\$775,000,000 for fiscal  
7 year 1995 and”; and

8 (B) by inserting “fiscal year 2001 and”  
9 after “necessary for”;  
10 (3) in subsection (c)—

11 (A) by striking “\$45,000,000 for fiscal  
12 year 1995 and”; and

13 (B) by inserting “fiscal year 2001 and”  
14 after “necessary for”;  
15 (4) in subsection (d)—

16 (A) by striking “\$2,000,000 for fiscal year  
17 1995 and”; and

18 (B) by inserting “fiscal year 2001 and”  
19 after “necessary for”;  
20 (5) in subsection (e)—

21 (A) by striking “\$25,000,000 for fiscal  
22 year 1995 and”; and

23 (B) by inserting “fiscal year 2001 and”  
24 after “necessary for”;  
25 (6) in subsection (f)—

1 (A) by striking “\$2,000,000 for fiscal year  
2 1995 and”; and

3 (B) by inserting “fiscal year 2001 and”  
4 after “necessary for”; and

5 (7) in subsection (g), by striking “1998” and  
6 inserting “2001”.

7 (b) REPEALS, TRANSFERS, AND REDESIGNATIONS.—  
8 The Act (20 U.S.C. 6301 et seq.) is amended—

9 (1) by repealing title V (20 U.S.C. 7201 et  
10 seq.);

11 (2) by redesignating title VIII (20 U.S.C. 7701  
12 et seq.) (as amended by subsection (a)) as title V,  
13 and transferring the title to follow title IV (as  
14 amended by section 402);

15 (3) by redesignating references to title VIII as  
16 references to title V (as redesignated and trans-  
17 ferred by paragraph (2)); and

18 (4) by redesignating sections 8001 through  
19 8014 (20 U.S.C. 7701, 7714) (as transferred by  
20 paragraph (2)) as sections 5001 through 5014, re-  
21 spectively, and redesignating accordingly the ref-  
22 erences to such sections.

1 **TITLE VI—HIGH PERFORMANCE**  
2 **AND QUALITY EDUCATION**  
3 **INITIATIVES**

4 **SEC. 601. HIGH PERFORMANCE AND QUALITY EDUCATION**  
5 **INITIATIVES.**

6 Title VI (20 U.S.C. 7301 et seq.) is amended to read  
7 as follows:

8 **“TITLE VI—HIGH PERFORMANCE**  
9 **AND QUALITY EDUCATION**  
10 **INITIATIVES**

11 **“SEC. 6001. FINDINGS, POLICY, AND PURPOSE.**

12 “(a) FINDINGS.—Congress makes the following find-  
13 ings:

14 “(1)(A) Congress embraces the view that edu-  
15 cators most familiar with schools, including school  
16 superintendents, principals, teachers, and school  
17 support personnel, have a critical role in knowing  
18 what is needed and how best to meet the educational  
19 needs of students.

20 “(B) Local educational agencies should there-  
21 fore have primary responsibility for deciding how to  
22 implement funds.

23 “(2)(A) Since the Elementary and Secondary  
24 Education Act was first authorized in 1965, the  
25 Federal Government has created numerous grant

1 programs, each of which was created to address 1  
2 among the myriad challenges and problems facing  
3 education.

4 “(B) Only a few of the Federal grant programs  
5 established before the date of enactment of the Pub-  
6 lic Education Reinvestment, Reinvention, and Re-  
7 sponsibility Act can be tied to significant quan-  
8 titative results.

9 “(C) Because Federal education dollars are dis-  
10 tributed through a patchwork of programs, with  
11 each program having its own set of requirements  
12 and restrictions, local educational agencies and  
13 schools have found it difficult to leverage funds for  
14 maximum impact.

15 “(D) In many cases, Federal education dollars  
16 distributed through competitive grant programs are  
17 too diffused to provide a true impact at the school  
18 level.

19 “(E) As a result of the Federal elementary and  
20 secondary education policies in place before the date  
21 of enactment of the Public Education Reinvestment,  
22 Reinvention, and Responsibility Act, the focus of  
23 Federal, State, and local educational agencies has  
24 been diverted from comprehensive student achieve-  
25 ment to administrative compliance.

1           “(3)(A) Every elementary school and secondary  
2       school should provide a drug- and violence-free  
3       learning environment.

4           “(B) The widespread illegal use of alcohol and  
5       drugs among the Nation’s secondary school stu-  
6       dents, and increasingly among elementary school  
7       students, constitutes a grave threat to students’  
8       physical and mental well-being, and significantly im-  
9       pedes the learning process.

10          “(C) Drug and violence prevention programs  
11       are essential components of a comprehensive strat-  
12       egy to promote school safety, youth development,  
13       and positive school outcomes, and reduce the de-  
14       mand for and illegal use of alcohol, tobacco, and  
15       drugs throughout the Nation.

16          “(D) Schools, local organizations, parents, stu-  
17       dents, and communities throughout the Nation have  
18       a special responsibility to work together to combat  
19       the continuing epidemic of violence and illegal drug  
20       use, and should measure the success of programs es-  
21       tablished to address this epidemic against clearly de-  
22       fined goals and objectives.

23          “(E) Drug and violence prevention programs  
24       are most effective when implemented within a re-

1 search-based, drug and violence prevention frame-  
2 work of proven effectiveness.

3 “(F) Substance abuse and violence are intri-  
4 cately related, and must be dealt with in a holistic  
5 manner.

6 “(4)(A) Technology can produce far greater op-  
7 portunities for all students to meet high learning  
8 standards, promote efficiency and effectiveness in  
9 education, and help immediately and dramatically  
10 reform our Nation’s educational system.

11 “(B) Because most Federal and State edu-  
12 cational technology programs have focused on ac-  
13 quiring educational technologies, rather than empha-  
14 sizing the utilization of those technologies in the  
15 classroom and the training and infrastructure re-  
16 quired efficiently to support the technologies, the full  
17 potential of educational technology has rarely been  
18 realized.

19 “(C) The effective use of technology in edu-  
20 cation has been inhibited by the inability of many  
21 State educational agencies and local educational  
22 agencies to invest in and support needed tech-  
23 nologies, and to obtain sufficient resources to seek  
24 expert technical assistance in developing high-quality

1 professional development activities for teachers and  
2 keeping pace with the rapid technological advances.

3 “(D) To remain competitive in the global econ-  
4 omy, which is increasingly reliant on a workforce  
5 that is comfortable with technology and able to inte-  
6 grate rapid technological changes into production  
7 processes, it is imperative that our Nation maintain  
8 a work-ready labor force.

9 “(b) POLICY.—Congress declares it to be the policy  
10 of the United States—

11 “(1) to facilitate significant innovation in ele-  
12 mentary school and secondary school education pro-  
13 grams;

14 “(2) to enrich the learning environment of stu-  
15 dents;

16 “(3) to provide a safe learning environment for  
17 all students;

18 “(3) to ensure that all students are techno-  
19 logically literate; and

20 “(4) to assist State educational agencies and  
21 local educational agencies in building the agencies’  
22 capacity to establish, implement, and sustain innova-  
23 tive programs for public elementary and secondary  
24 school students.

1       “(c) PURPOSES.—The purposes of this title are as  
2 follows:

3           “(1) To provide supplementary assistance for  
4 school improvement to elementary schools, secondary  
5 schools, and local educational agencies—

6           “(A) that have been or are at risk of being  
7 identified as being in need of improvement, as  
8 defined in section 1116 (c) and (d), to carry out  
9 activities (as described in such schools’ or agen-  
10 cies’ improvement plans developed under such  
11 section) that are designed to remedy the cir-  
12 cumstances that caused such schools or agen-  
13 cies to be identified as in need of improvement;  
14 or

15           “(B) to improve core content curriculum  
16 and instructional practices and materials in  
17 core subject areas to ensure that all students  
18 are at the proficient standard level within 10  
19 years of the date of enactment of the Public  
20 Education Reinvestment, Reinvention, and Re-  
21 sponsibility Act.

22           “(2) To provide assistance to local educational  
23 agencies and schools for innovative programs and  
24 activities that will transform schools into 21st cen-  
25 tury opportunities for students by—

1           “(A) creating a challenging learning envi-  
2           ronment and facilitating academic enrichment  
3           through innovative academic programs; or

4           “(B) providing extra learning, time, and  
5           opportunities for students.

6           “(3) To provide assistance to local educational  
7           agencies, schools, and communities to strengthen ex-  
8           isting programs or develop and implement new pro-  
9           grams based on proven researched-based strategies  
10          that create safe learning environments by—

11           “(A) preventing violence and other high-  
12           risk behavior from occurring in and around  
13           schools; and

14           “(B) preventing the illegal use of alcohol,  
15           tobacco, and drugs among students.

16          “(4) To create New Economy Technology  
17          Schools (NETs) by providing assistance to local edu-  
18          cational agencies and schools for—

19           “(A) the acquisition, development, inter-  
20           connection, implementation, improvement, and  
21           maintenance of an effective educational tech-  
22           nology infrastructure;

23           “(B) the acquisition and maintenance of  
24           technology equipment and the provision of  
25           training in the use of such equipment for teach-

1           ers, school library and media personnel, and ad-  
 2           ministrators;

3           “(C) the acquisition or development of  
 4           technology-enhanced curricula and instructional  
 5           materials that are aligned with challenging  
 6           State content and student performance stand-  
 7           ards; and

8           “(D) the acquisition or development and  
 9           implementation of high-quality professional de-  
 10          velopment for teachers in the use of technology  
 11          and its integration with challenging State con-  
 12          tent and student performance standards.

13   **“SEC. 6002. DEFINITIONS OF STATE.**

14          “In this title:

15           “(1) AUTHENTIC TASK.—The term ‘authentic  
 16          task’ means a real world task that—

17           “(A) is challenging, meaningful, multidisci-  
 18          plinary, and interactive;

19           “(B) involves reasoning, problem solving,  
 20          and composition; and

21           “(C) is not a discrete component skill that  
 22          has no obvious connection with students’ activi-  
 23          ties outside of school.

1           “(2) STATE.—The term ‘State’ means each of  
2           the several States, the District of Columbia, and the  
3           Commonwealth of Puerto Rico.

4   **“SEC. 6003. PROGRAMS AUTHORIZED.**

5           “(a) GRANTS AUTHORIZED.—From the amount ap-  
6   propriated under section 6009 for a fiscal year, the Sec-  
7   retary shall award a grant to each State educational agen-  
8   cy having a State plan approved under section 6005(a)(4)  
9   to enable the State educational agency to award grants  
10  to local educational agencies in the State.

11          “(b) RESERVATIONS AND ALLOTMENTS.—

12           “(1) RESERVATIONS.—From the amount appro-  
13   priated under section 6009 for a fiscal year, the Sec-  
14   retary shall reserve—

15           “(A) not more than  $\frac{1}{2}$  of 1 percent of  
16   such amount for payments to the Bureau of In-  
17   dian Affairs for activities, approved by the Sec-  
18   retary, consistent with this title;

19           “(B) not more than  $\frac{1}{2}$  of 1 percent of  
20   such amounts for payments to outlying areas,  
21   to be allotted in accordance with their respec-  
22   tive needs for assistance under this title as de-  
23   termined by the Secretary, for activities, ap-  
24   proved by the Secretary, consistent with this  
25   title; and

1           “(C) such sums as may be necessary to  
2           continue to support any multiyear award made  
3           under titles III, IV, V (part B), or X (as such  
4           titles were in effect on the day preceding the  
5           date of enactment of the Public Education Re-  
6           investment, Reinvention, and Responsibility  
7           Act) until the completion of the multiyear  
8           award.

9           “(2) STATE ALLOTMENTS.—

10           “(A) IN GENERAL.—From the amount ap-  
11           propriated under section 6009 for a fiscal year  
12           and remaining after the Secretary makes res-  
13           ervations under paragraph (1), the Secretary  
14           shall allot to each State having a State plan ap-  
15           proved under section 6005(a)(4) the sum of—

16                   “(i) an amount that bears the same  
17                   relationship to 50 percent of the remainder  
18                   as the amount the State received under  
19                   part A of title I bears to the amount all  
20                   States received under such part; and

21                   “(ii) an amount that bears the same  
22                   relationship to 50 percent of the remainder  
23                   as the school-age population in the State  
24                   bears to the school-age population in all  
25                   States.

1                   “(B) DATA.—For the purposes of deter-  
2                   mining the school-age population in a State and  
3                   in all States, the Secretary shall use the latest  
4                   available Bureau of the Census data.

5                   “(c) STATE MINIMUM.—For any fiscal year, no State  
6                   shall be allotted under this section an amount that is less  
7                   than 0.4 percent of the total amount allotted to all States  
8                   under subsection (b)(2).

9                   “(d) HOLD-HARMLESS AMOUNTS.—For fiscal year  
10                  2001, notwithstanding subsection (e), the amount allotted  
11                  to each State under this section shall be not less than 100  
12                  percent of the total amount the State was allotted in for-  
13                  mula grants under titles III, IV, and VI (as such titles  
14                  were in effect on the day preceding the date of enactment  
15                  of the Public Education Reinvestment, Reinvention, and  
16                  Responsibility Act) for the preceding fiscal year.

17                  “(e) RATABLE REDUCTIONS.—If the sums made  
18                  available under subsection (b)(2)(A) for any fiscal year are  
19                  insufficient to pay the full amounts that all State edu-  
20                  cational agencies are eligible to receive under that sub-  
21                  section for such year, the Secretary shall ratably reduce  
22                  such amounts for such year.

1 **“SEC. 6004. WITHIN STATE ALLOCATION.**

2 “(a) SHORT TITLE.—Each State educational agency  
3 for a State receiving a grant award under section  
4 6003(b)(2) shall—

5 “(1) set aside not more than 1 percent of the  
6 grant funds for the cost of administering the activi-  
7 ties under this title;

8 “(2) set aside not more than 4 percent of the  
9 grant funds to—

10 “(A) provide for the establishment of high-  
11 quality, internationally competitive content and  
12 student performance standards and strategies  
13 that all students will be expected to meet;

14 “(B) provide for the establishment of high-  
15 quality, rigorous assessments that include mul-  
16 tiple measures and demonstrate comprehensive  
17 knowledge;

18 “(C) encourage and enable all State edu-  
19 cational agencies and local educational agencies  
20 to develop, implement, and strengthen com-  
21 prehensive education improvement plans that  
22 address student achievement, teacher quality,  
23 parent involvement, and reliable measurement  
24 and evaluation methods; and

25 “(D) encourage and enable all States to  
26 develop and implement value-added assess-

1           ments, including model value-added assessments  
 2           identified by the Secretary under section  
 3           7004(a)(6); and

4           “(3) using the remaining 95 percent of the  
 5           grant funds, make grants by allocating to each local  
 6           educational agency in the State having a local edu-  
 7           cational agency plan approved under section  
 8           6005(b)(3) the sum of—

9                   “(A) an amount that bears the same rela-  
 10           tionship to 50 percent of such remainder as the  
 11           amount the local educational agency received  
 12           under part A of title I bears to the amount all  
 13           local educational agencies in the State received  
 14           under such part; and

15                   “(B) an amount that bears the same rela-  
 16           tionship to 50 percent of such remainder as the  
 17           school-age population in the area served by the  
 18           local educational agency bears to the school-age  
 19           population in the area served by all local edu-  
 20           cational agencies in the State.

21           “(b) MATCHING REQUIREMENT.—

22                   “(1) IN GENERAL.—Each eligible local edu-  
 23           cational agency receiving a grant under subsection  
 24           (a) shall contribute resources with respect to the  
 25           local authorized activities to be assisted under this

1 title in case or in-kind from non-Federal sources in  
2 an amount equal to 25 percent of the Federal funds  
3 awarded under the grant.

4 “(2) WAIVER.—A local educational agency may  
5 apply to the State educational agency may grant a  
6 waiver of the requirements of paragraph (1) to a  
7 local educational agency that—

8 “(A) applies for such a waiver; and

9 “(B) demonstrates extreme circumstances  
10 for being unable to meet such requirements.

11 **“SEC. 6005. PLANS.**

12 “(a) STATE PLANS.—

13 “(1) IN GENERAL.—The State educational  
14 agency for each State desiring a grant under this  
15 title shall submit a State plan to the Secretary at  
16 such time, in such manner, and accompanied by  
17 such information as the Secretary may require.

18 “(2) CONSOLIDATED PLAN.—A State plan sub-  
19 mitted under paragraph (1) may be submitted as  
20 part of a consolidated plan under section 8302.

21 “(3) CONTENTS.—Each plan submitted under  
22 paragraph (1) shall—

23 “(A) describe how the State educational  
24 agency will assist each local educational agency  
25 and school served under this title to comply

1 with the requirements described in section 6006  
2 that are applicable to the local educational  
3 agency or school;

4 “(B) certify that the State has in place the  
5 standards and assessments required under sec-  
6 tion 1111;

7 “(C) certify that the State educational  
8 agency has a system, as required under section  
9 1111, for—

10 “(i) holding each local educational  
11 agency and school accountable for ade-  
12 quate yearly progress (as defined in section  
13 1111(b)(2)(B));

14 “(ii) identifying local educational  
15 agencies and schools that are in need of  
16 improvement and corrective action (as re-  
17 quired in sections 1116 and 1117);

18 “(iii) assisting local educational agen-  
19 cies and schools that are identified for im-  
20 provement with the development of im-  
21 provement plans; and

22 “(iv) providing technical assistance,  
23 professional development, and other capac-  
24 ity building as needed to get such agencies  
25 and schools out of improvement status;

1           “(D) certify that the State educational  
2           agency shall use the disaggregated results of  
3           student assessments required under section  
4           1111(b)(4), and other measures or indicators  
5           available, to review annually the progress of  
6           each local educational agency and school served  
7           under this title to determine whether or not  
8           each such agency and school is making ade-  
9           quate yearly progress as required under section  
10          1111;

11          “(E) certify that the State educational  
12          agency will take action against a local edu-  
13          cational agency that is in corrective action and  
14          receiving funds under this title as described in  
15          section 6006(d)(1);

16          “(F) describe what, if any, State and other  
17          resources will be provided to local educational  
18          agencies and schools served under this title to  
19          carry out activities consisted with this title; and

20          “(G) certify that the State educational  
21          agency has a system to hold local educational  
22          agencies accountable for meeting the annual  
23          performance objectives required under sub-  
24          section (b)(2)(C).

1           “(4) APPROVAL.—The Secretary, using a peer  
2           review process, shall approve a State plan if the  
3           State plan meets the requirements of this sub-  
4           section.

5           “(5) DURATION OF THE PLAN.—Each State  
6           plan shall remain in effect for the duration of the  
7           State’s participation under this title.

8           “(6) REQUIREMENT.—A State shall not be eli-  
9           gible to receive funds under this title unless the  
10          State has established the standards and assessments  
11          required under section 1111.

12          “(b) LOCAL PLANS.—

13               “(1) IN GENERAL.—Each local educational  
14               agency shall annually submit a local educational  
15               agency plan to the State educational agency at such  
16               time, in such manner, and accompanied by such in-  
17               formation as the State educational agency may re-  
18               quire.

19               “(2) CONTENTS.—Each local educational agen-  
20               cy shall—

21                       “(A) describe the programs for which  
22                       funds allocated under section 6004(3) will be  
23                       used and the reasons for the selection of such  
24                       programs;

1           “(B) describe the methods the local edu-  
2           cational agency will use to measure the annual  
3           impact of programs described under subpara-  
4           graph (A) and the extent to which such pro-  
5           grams will increase student academic perform-  
6           ance;

7           “(C) describe the annual, quantifiable, and  
8           measurable performance goals and objectives  
9           for each program described under subparagraph  
10          (A) and the extent to which such goals and ob-  
11          jectives are aligned with State content and stu-  
12          dent performance standards;

13          “(D) describe how the local educational  
14          agency will hold schools accountable for meeting  
15          the intended performance objectives for each  
16          program described under subparagraph (C);

17          “(E) provide an assurance that the local  
18          educational agency has met the local plan re-  
19          quirements described in section 1112 for—

20                 “(i) holding schools accountable for  
21                 adequate yearly progress, including meet-  
22                 ing annual numerical goals for improving  
23                 the performance of all groups of students  
24                 based on the student performance stand-

1           ards set by the State under section  
2           1111(b)(1)(D)(ii);

3           “(ii) identifying schools for school im-  
4           provement or corrective action;

5           “(iii) fulfilling the local educational  
6           agency’s school improvement responsibil-  
7           ities described in section 1116, including  
8           taking corrective actions under section  
9           1116(c)(10); and

10          “(iv) providing technical assistance,  
11          professional development, or other capacity  
12          building to schools served by the agency;

13          “(F) certify that the local educational  
14          agency will take action against a school that is  
15          in corrective action and receiving funds under  
16          this title as described under section 6006(d)(2);

17          “(G) describe what State and local re-  
18          sources will be contributed to carrying out pro-  
19          grams described under subparagraph (A);

20          “(H) provide assurances that the local edu-  
21          cational agency consulted, at a minimum, with  
22          parents, school board members, teachers, ad-  
23          ministrators, business partners, education orga-  
24          nizations, and community groups to develop the

1 local educational plan and select the programs  
2 to be assisted under this title; and

3 “(J) provide assurances that the local edu-  
4 cational agency will continue such consultation  
5 on a regular basis and will provide the State  
6 with annual evidence of such consultation.

7 “(3) APPROVAL.—The State, using a peer re-  
8 view process, shall approve a local educational agen-  
9 cy plan if the plan meets the requirements of this  
10 subsection.

11 “(4) DURATION OF THE PLAN.—Each local  
12 educational agency plan shall remain in effect for  
13 the duration of the local educational agency’s par-  
14 ticipation under this title.

15 “(5) PUBLIC REVIEW.—Each State educational  
16 agency will make publicly available each local edu-  
17 cational agency plan approved under paragraph (3).

18 **“SEC. 6006. LOCAL USES OF FUNDS AND ACCOUNTABILITY.**

19 “(a) ADMINISTRATIVE EXPENSES.—Each local edu-  
20 cational agency receiving a grant award under section  
21 6004(3) may use not more than 1 percent of the grant  
22 funds for any fiscal year for the cost of administering this  
23 title.

24 “(b) REQUIRED ACTIVITIES.—Each local educational  
25 agency receiving a grant award under section 6004(3)

1 shall use the grant funds pursuant to this subsection to  
2 establish and carry out programs that are designed to  
3 achieve, separately or cumulatively, each of the goals de-  
4 scribed in the category areas described in paragraphs (1)  
5 through (4).

6           “(1) SCHOOL IMPROVEMENT.—Each local edu-  
7 cational agency shall use 30 percent of the grant  
8 funds—

9           “(A) in the case of a school that has been  
10 identified as being in need of improvement  
11 under section 1116(c), for activities or strate-  
12 gies that are described in section 1116(c) that  
13 focus on removing such school from improve-  
14 ment status; or

15           “(B) for programs that seek to raise the  
16 academic achievement levels of all elementary  
17 school and secondary school students based on  
18 challenging State content and student perform-  
19 ance standards and, to the greatest extent pos-  
20 sible,—

21           “(i) incorporate the best practices de-  
22 veloped from research-based methods and  
23 practices;

24           “(ii) are aligned with challenging  
25 State content and performance standards

1 and focused on reinforcing and boosting  
2 the core academic skills and knowledge of  
3 students who are struggling academically,  
4 as determined by State assessments under  
5 section 1111(b)(4) and local evaluations;

6 “(iii) focus on accelerated learning  
7 rather than remediation, so that students  
8 will master the high level of skills and  
9 knowledge needed to meet the highest  
10 State standards or to perform at high lev-  
11 els on all State assessments;

12 “(iv) offer teachers, principals, and  
13 administrators professional development  
14 and technical assistance that are aligned  
15 with the content of such programs; and

16 “(v) address local needs, as deter-  
17 mined by the local educational agency’s  
18 evaluation of school and districtwide data.

19 “(2) 21ST CENTURY OPPORTUNITIES.—Each  
20 local educational agency shall use 25 percent of the  
21 grant funds for—

22 “(A) programs that provide for extra  
23 learning, time, and opportunities for students  
24 so that all students may achieve high levels of  
25 learning and meet the State proficient standard

1 level within 10 years of the date of enactment  
2 of the Public Education Reinvestment, Reinven-  
3 tion, and Responsibility Act;

4 “(B) programs to improve higher order  
5 thinking skills of all students, especially dis-  
6 advantaged students;

7 “(C) promising innovative education re-  
8 form projects that are consistent with chal-  
9 lenging State content and student performance  
10 standards; or

11 “(D) programs that focus on ensuring that  
12 disadvantaged students enter elementary school  
13 with the basic skills needed to meet the highest  
14 State content and student performance stand-  
15 ards.

16 “(3) SAFE LEARNING ENVIRONMENTS.—Each  
17 local educational agency shall use 15 percent of the  
18 grant funds for programs that help ensure that all  
19 elementary school and secondary school students  
20 learn in a safe and supportive environment by—

21 “(A) reducing drugs, violence, and other  
22 high-risk behavior in schools;

23 “(B) providing safe, extended-day opportu-  
24 nities for students;

1           “(C) providing professional development  
2 activities for teachers, principals, mental health  
3 professionals, and guidance counselors in deal-  
4 ing with students exhibiting distress (such as  
5 substance abuse, disruptive behavior, and suici-  
6 dal behavior);

7           “(D) recruiting or retaining high-quality  
8 mental health professionals;

9           “(E) providing character education for stu-  
10 dents; or

11           “(F) meeting other objectives that are es-  
12 tablished under State standards regarding safe-  
13 ty or that address local community concerns.

14           “(4) NEW ECONOMY TECHNOLOGY SCHOOLS.—

15           “(A) IN GENERAL.—Each local educational  
16 agency shall use 30 percent of the grant funds  
17 to establish technology programs that will  
18 transform schools into New Economy Tech-  
19 nology Schools (NETs) and, to the greatest ex-  
20 tent possible, will—

21           “(i) increase student performance re-  
22 lated to an authentic task;

23           “(ii) integrate the use of technology  
24 into activities that are a core part of class-

1 room curricula and are available to all stu-  
2 dents;

3 “(iii) emphasize how to use technology  
4 to accomplish authentic tasks;

5 “(iv) provide professional development  
6 and technical assistance to teachers so that  
7 teachers may integrate technology into  
8 daily teaching activities that are directly  
9 aligned with State content and student  
10 performance standards; and

11 “(v) enable the local educational agen-  
12 cy annually to increase the percentage of  
13 classrooms with access to technology, par-  
14 ticularly in schools in which not less than  
15 50 percent of the school-age population  
16 comes from families with incomes below  
17 the poverty line (as defined by the Office  
18 of Management and Budget, and revised  
19 annually in accordance with section 673(2)  
20 of the Community Services Block Grant  
21 Act (42 U.S.C. 9902(2))) applicable to a  
22 family of the size involved.

23 “(B) LIMITATION.—Each local educational  
24 agency shall use not more than 50 percent of  
25 the grant funds described in subparagraph (A)

1           to purchase, upgrade, or retrofit computer  
2           hardware in schools in which not less than 50  
3           percent of the school-age population comes from  
4           families at or below the poverty line, as defined  
5           in subparagraph (A)(v).

6           “(c) TRANSFER OF FUNDS.—Notwithstanding sub-  
7 section (b)—

8           “(1) a local educational agency that meets ade-  
9           quate yearly progress requirements for student per-  
10          formance, as established by the State educational  
11          agency under section 1111, may allocate, at the local  
12          educational agency’s discretion, not more than 30  
13          percent of the grant funds received under section  
14          6004(3) among the 4 funding categories described in  
15          subsection (b);

16          “(2) a local educational agency that exceeds the  
17          adequate yearly progress requirements described in  
18          paragraph (1) by a significant amount, as deter-  
19          mined by the State educational agency, may allocate,  
20          at the local educational agency’s discretion, not more  
21          than 50 percent of the grant funds received under  
22          section 6004(3) among the 4 funding categories de-  
23          scribed in subsection (b); and

24          “(3) a local educational agency that is identi-  
25          fied as in need of improvement, as defined under

1 section 1117, may apply not more than 25 percent  
 2 of the grant funds described in subsection (b) (2),  
 3 (3), or (4) to school improvement activities described  
 4 in subsection (b)(1).

5 “(d) LIMITATIONS FOR SCHOOLS AND LOCAL EDU-  
 6 CATIONAL AGENCIES IN CORRECTIVE ACTION.—

7 “(1) LOCAL EDUCATIONAL AGENCIES IN COR-  
 8 RECTIVE ACTION.—If a local educational agency is  
 9 identified for corrective action under section  
 10 1116(d), the State educational agency shall—

11 “(A) notwithstanding any other provision  
 12 of law, specify how the local educational agency  
 13 shall spend the grant funds in order to focus  
 14 the local educational agency on activities that  
 15 will be the most effective in raising student per-  
 16 formance levels; and

17 “(B) implement corrective action in ac-  
 18 cordance with the provisions for corrective ac-  
 19 tion described in section 1116(d).

20 “(2) SCHOOLS IN CORRECTIVE ACTION.—If a  
 21 school is identified for corrective action under sec-  
 22 tion 1116(c), the local educational agency shall—

23 “(A) specify how the school shall spend  
 24 grant funds received under this section in order

1 to focus on activities that will be the most effective  
 2 in raising student performance levels; and

3 “(B) implement corrective action in accordance with the provisions for corrective action  
 4 described in section 1116(c)(10).  
 5

6 “(3) DURATION.—Limitations imposed on  
 7 schools and local educational agencies in corrective  
 8 action under paragraphs (1) and (2) shall remain in  
 9 effect until such time as the school or local educational  
 10 agency has made sufficient improvement, as  
 11 determined by the State educational agency, and is  
 12 no longer in corrective action.

13 **“SEC. 6007. STATE AND LOCAL RESPONSIBILITIES.**

14 “(a) DATA REVIEW.—

15 “(1) STATE AND LOCAL REVIEW.—A State educational  
 16 agency shall jointly review with a local educational  
 17 agency described in section 6006(d)(1) the  
 18 local educational agency’s data gathered from student  
 19 assessments and other measures required under  
 20 section 1111(b)(4), in order to determine how the  
 21 local educational agency shall spend the grant funds  
 22 pursuant to section 6006(d)(1)(A) in order to substantially  
 23 increase student performance levels.

24 “(1) SCHOOL AND LOCAL REVIEW.—A local  
 25 educational agency shall jointly review with a school

1 described in section 6006(d)(2) the school's data  
2 gathered from student assessments and other meas-  
3 ures required under section 1111(b)(4), in order to  
4 determine how the school shall spend grant funds  
5 pursuant to section 6006(d)(2) in order to substan-  
6 tially increase student performance levels.

7 “(b) TECHNICAL ASSISTANCE.—

8 “(1) STATE ASSISTANCE.—

9 “(A) A State educational agency shall pro-  
10 vide, upon request by a local educational agency  
11 receiving grant funds under this title, technical  
12 assistance to the local educational agency and  
13 schools served by the local educational agency,  
14 including assistance in analyzing student per-  
15 formance and the impact of programs assisted  
16 under this title and identifying the best instruc-  
17 tional strategies and methods for carrying out  
18 such programs.

19 “(B) State assistance may be provided  
20 by—

21 “(i) the State educational agency; or

22 “(ii) with the local educational agen-  
23 cy's approval, by an institution of higher  
24 education, a private not-for-profit or for-  
25 profit organization, an educational service

1 agency, the recipient of a Federal contract  
2 or cooperative agreement as described in  
3 section 7005, a nontraditional entity such  
4 as a corporation or consulting firm, or any  
5 other entity with experience in the pro-  
6 gram area for which the assistance is being  
7 sought.

8 “(2) LOCAL ASSISTANCE.—

9 “(A) A local educational agency shall pro-  
10 vide, upon request by an elementary school or  
11 secondary school served by the agency, technical  
12 assistance to such school, including assistance  
13 in analyzing student performance and the im-  
14 pact of programs assisted under this title, and  
15 identifying the best instructional strategies and  
16 methods for carrying out such programs.

17 “(B) Local assistance may be provided  
18 by—

19 “(i) the State educational agency or  
20 local educational agency; or

21 “(ii) with the school’s approval, by an  
22 institution of higher education, a private  
23 not-for-profit or for-profit organization, an  
24 educational service agency, the recipient of  
25 a Federal contract or cooperative agree-

1                   ment as described in section 7005, a non-  
2                   traditional entity such as a corporation or  
3                   consulting firm, or any other entity with  
4                   experience in the program area for which  
5                   the assistance is being sought.

6   **“SEC. 6008. LOCAL REPORTS.**

7           “Each local educational agency receiving funds under  
8 this title shall annually publish and disseminate to the  
9 public in a format and, to the extent practicable, in a lan-  
10 guage that parents can understand, a report on—

11           “(1) information describing the use of funds in  
12 the 4 category areas described in section 6006(b);

13           “(2) the impact of such programs and an as-  
14 sessment of such programs’ effectiveness; and

15           “(3) the local educational agency’s progress to-  
16 ward attaining the goals and objectives described  
17 under section 6005(b), and the extent to which pro-  
18 grams assisted under this title have increased stu-  
19 dent achievement.

20   **“SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.**

21           “There are authorized to be appropriated to carry out  
22 this title \$2,700,000,000 for fiscal year 2001, and such  
23 sums as may be necessary for each of the 4 succeeding  
24 fiscal years.”.

# 1      **TITLE VII—ACCOUNTABILITY**

## 2      **SEC. 701. ACCOUNTABILITY.**

3            Title VII of the Act (20 U.S.C. 7401 et seq.) is  
4 amended to read as follows:

# 5      **“TITLE VII—ACCOUNTABILITY**

## 6      **“SEC. 7001. SANCTIONS.**

7            “(a) THIRD FISCAL YEAR.—If performance objec-  
8 tives established under a covered provision have not been  
9 met by a State receiving grant funds under such provision  
10 by the end of the third fiscal year for which the State  
11 receives such grant funds, the Secretary shall reduce by  
12 50 percent the amount the State is entitled to receive for  
13 administrative expenses under such provision.

14          “(b) FOURTH FISCAL YEAR.—If the State fails to  
15 meet the performance objectives established under a cov-  
16 ered provision by the end of the fourth fiscal year for  
17 which the State receives grant funds under the covered  
18 provision, the Secretary shall reduce the total amount the  
19 State receives under title VI by 30 percent.

20          “(c) DURATION.—If the Secretary determines, under  
21 subsection (a) or (b), that a State failed to meet the per-  
22 formance objectives established under a covered provision  
23 for a fiscal year, the Secretary shall reduce grant funds  
24 in accordance with subsection (a) or (b) for the State for  
25 each subsequent fiscal year until the State demonstrates

1 that the State met the performance objectives for the fis-  
 2 cal year preceding the demonstration.

3 “(d) TECHNICAL ASSISTANCE.—The Secretary shall  
 4 provide technical assistance, if sought, to a State subjected  
 5 to sanctions under subsection (a) or (b).

6 “(e) LOCAL SANCTIONS.—

7 “(1) IN GENERAL.—Each State receiving assist-  
 8 ance under title I, II, III, or VI shall develop a sys-  
 9 tem to hold local educational agencies accountable  
 10 for meeting—

11 “(A) the performance objectives estab-  
 12 lished under part A of title II, part A of title  
 13 III, and title VI; and

14 “(B) the adequate yearly progress require-  
 15 ments established under part A of title I, and  
 16 required under part A of title III and title VI.

17 “(2) SANCTIONS.—A system developed under  
 18 paragraph (c) shall include a mechanism for sanc-  
 19 tioning local educational agencies for low perform-  
 20 ance with regard to failure to meet such perform-  
 21 ance objectives and adequate yearly progress levels.

22 “(f) DEFINITIONS.—In this section:

23 “(1) COVERED PROVISION.—The term ‘covered  
 24 provision’ means part A of title I, part A of title II,  
 25 part A of title III, and section 6005(b)(2)(C).

1           “(2) PERFORMANCE OBJECTIVES.—The term  
2           ‘performance objectives’ means in the case of—

3                   “(A) part A of title I, the adequate yearly  
4                   progress levels established under subsections  
5                   (b)(2)(A)(iii) and (b)(2)(B) of section 1111;

6                   “(B) part A of title II, the set of perform-  
7                   ance objectives established in section 2014;

8                   “(C) part A of title III, the set of perform-  
9                   ance objectives established in section 3109; and

10                  “(D) title VI, the set of performance objec-  
11                  tives set by each local educational agency in  
12                  section 6005(b)(2)(C).

13   **“SEC. 7002. REWARDING HIGH PERFORMANCE.**

14           “(a) STATE REWARDS.—

15                   “(1) IN GENERAL.—From amounts appro-  
16                   priated under subsection (d), and from amounts  
17                   made available as a result of reductions under sec-  
18                   tion 7001, the Secretary shall make awards to  
19                   States that—

20                           “(A) for 3 consecutive years have—

21                                   “(i) exceeded the States’ performance  
22                                   objectives established for any title under  
23                                   this Act;

1                   “(ii) exceeded their adequate yearly  
2                   progress levels established in section  
3                   1111(b);

4                   “(iii) significantly narrowed the gaps  
5                   between minority and non-minority stu-  
6                   dents, and between economically disadvan-  
7                   taged and non-economically disadvantaged  
8                   students;

9                   “(iv) raised all students to the pro-  
10                  ficient standard level prior to 10 years  
11                  from the date of enactment of the Public  
12                  Education Reinvention, Reinvestment, and  
13                  Responsibility Act; or

14                  “(v) significantly increased the per-  
15                  centage of core classes being taught by  
16                  fully qualified teachers teaching in schools  
17                  receiving funds under part A of title I; or

18                  “(B) by not later than fiscal year 2003,  
19                  ensure that all teachers teaching in the States’  
20                  public elementary schools and secondary schools  
21                  are fully qualified.

22                  “(2) STATE USE OF FUNDS.—

23                  “(A) DEMONSTRATION SITES.—Each State  
24                  receiving an award under paragraph (1) shall  
25                  use a portion of the award that is not distrib-

uted under subsection (b) to establish demonstration sites with respect to high-performing schools (based on achievement or performance levels) objectives and adequate yearly progress in order to help low-performing schools.

“(B) IMPROVEMENT OF PERFORMANCE.—

Each State receiving an award under paragraph (1) shall use the portion of the award that is not used pursuant to subparagraph (A) or (C) and is not distributed under subsection (b) for the purpose of improving the level of performance of all elementary and secondary school students in the State, based on State content and performance standards.

“(C) RESERVATION FOR ADMINISTRATIVE

EXPENSES.—Each State receiving an award under paragraph (1) may set aside not more than  $\frac{1}{2}$  of 1 percent of the award for the planning and administrative costs of carrying out this section, including the costs of distributing awards to local educational agencies.

“(b) LOCAL EDUCATIONAL AGENCY AWARDS.—

“(1) IN GENERAL.—Each State receiving an award under subsection (a)(1) shall distribute 80

1       percent of the award funds to local educational  
2       agencies in the State that—

3               “(A) for 3 consecutive years have—

4                       “(i) exceeded the State-established  
5                       local educational agency performance ob-  
6                       jectives established for any title under this  
7                       Act;

8                       “(ii) exceeded the adequate yearly  
9                       progress level established under section  
10                      1111(b)(2);

11                      “(iii) significantly narrowed the gaps  
12                      between minority and nonminority stu-  
13                      dents, and between economically disadvan-  
14                      tagged and noneconomically disadvantaged  
15                      students;

16                      “(iv) raised all students enrolled in  
17                      schools within the local educational agency  
18                      to the proficient standard level prior to 10  
19                      years from the date of enactment of the  
20                      Public Education Reinvestment, Reinven-  
21                      tion, and Responsibility Act; or

22                      “(v) significantly increased the per-  
23                      centage of core classes being taught by  
24                      fully qualified teachers teaching in schools  
25                      receiving funds under part A of title I; or

1           “(B) not later than December 31, 2003,  
2           ensured that all teachers teaching in the ele-  
3           mentary schools and secondary schools served  
4           by the local educational agencies are fully quali-  
5           fied; or

6           “(C) have attained consistently high  
7           achievement in another area that the State  
8           deems appropriate to reward.

9           “(2) SCHOOL-BASED PERFORMANCE AWARDS.—  
10          A local educational agency may use funds made  
11          available under paragraph (1) for activities such as  
12          school-based performance awards.

13          “(3) RESERVATION FOR ADMINISTRATIVE EX-  
14          PENSES.—Each local educational agency receiving  
15          an award under paragraph (1) may set aside not  
16          more than  $\frac{1}{2}$  of 1 percent of the award for the plan-  
17          ning and administrative costs of carrying out this  
18          section, including the costs of distributing awards to  
19          eligible elementary schools and secondary schools,  
20          teachers, and principals.

21          “(c) SCHOOL REWARDS.—Each local educational  
22          agency receiving an award under subsection (b) shall con-  
23          sult with teachers and principals to develop a reward sys-  
24          tem, and shall use the award funds—

1           “(1) to reward individual schools that dem-  
2       onstrate high performance with respect to—

3           “(A) increasing the academic achievement  
4       of all students;

5           “(B) narrowing the academic achievement  
6       gap described in section 1111(b)(2)(B)(vii);

7           “(C) improving teacher quality;

8           “(D) increasing high-quality professional  
9       development for teachers, principals, and ad-  
10      ministrators; or

11          “(E) improving the English proficiency of  
12      limited English proficient students;

13          “(2) to reward collaborative teams of teachers,  
14      or teams of teachers and principals, that—

15          “(A) significantly increase the annual per-  
16      formance of low-performing students; or

17          “(B) significantly improve in a fiscal year  
18      the English proficiency of limited English pro-  
19      ficient students;

20          “(3) to reward principals who successfully raise  
21      the performance of a substantial number of low-per-  
22      forming students to high academic levels;

23          “(4) to develop or implement school district-  
24      wide programs or policies to increase the level of

1 student performance on State assessments that are  
2 aligned with State content standards; and

3 “(5) to reward schools for consistently high  
4 achievement in another area that the local edu-  
5 cational agency deems appropriate to reward.

6 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to carry out this section  
8 \$200,000,000 for fiscal year 2001, and such sums as may  
9 be necessary for each of the 4 succeeding fiscal years.

10 “(e) DEFINITION.—The term ‘low-performing stu-  
11 dent’ means students who are below the basic State stand-  
12 ard level.

13 **“SEC. 7003. SUPPLEMENT NOT SUPPLANT.**

14 “A State educational agency and local educational  
15 agency shall use funds under this title to supplement, and,  
16 not supplant, Federal, State, and local funds that, in the  
17 absence of funds under this title, would otherwise be spent  
18 for activities of the type described in section 7002.

19 **“SEC. 7004. SECRETARY’S ACTIVITIES.**

20 “(a) IN GENERAL.—Notwithstanding any other pro-  
21 vision of this Act, from amounts appropriated under sub-  
22 section (b) and not reserved under subsection (c), the Sec-  
23 retary may—

24 “(1) support activities of the National Board  
25 for Professional Teaching Standards;

1           “(2) study and disseminate information regard-  
2           ing model programs assisted under this Act;

3           “(3) provide training and technical assistance  
4           to States, local educational agencies, elementary  
5           schools and secondary schools, Indian tribes, and  
6           other recipients of grant funds under this Act that  
7           are carrying out activities assisted under this Act,  
8           including entering into contracts or cooperative  
9           agreements with public or private nonprofit entities  
10          or consortia of such entities, in order to provide  
11          comprehensive training and technical assistance re-  
12          lated to the administration and implementation of  
13          activities assisted under this Act;

14          “(4) support activities that will promote sys-  
15          temic education reform at the State and local levels;

16          “(5) award grants or contracts to public or pri-  
17          vate nonprofit entities to enable the entities—

18                 “(A) to develop and disseminate exemplary  
19                 reading, mathematics, science, and technology  
20                 educational practices, and instructional mate-  
21                 rials to States, local educational agencies, and  
22                 elementary schools and secondary schools; and

23                 “(B) to provide technical assistance for the  
24                 implementation of teaching methods and assess-  
25                 ment tools for use by elementary schools and

1 secondary school students, teachers, and admin-  
2 istrators;

3 “(6) disseminate information on models of  
4 value-added assessments;

5 “(7) award a grant or contract to a public or  
6 private nonprofit entity or consortium of such enti-  
7 ties for the development and dissemination of exem-  
8 plary programs and curricula for accelerated and ad-  
9 vanced learning for all students, including gifted and  
10 talented students;

11 “(8) award a grant or contract with Reading Is  
12 Fundamental, Inc. and other public or private non-  
13 profit entities to support and promote programs  
14 which include the distribution of inexpensive books  
15 to students and literacy activities that motivate chil-  
16 dren to read; and

17 “(9) provide assistance to States—

18 “(A) by assisting in the development of  
19 English language development standards and  
20 high-quality assessments, if requested by a  
21 State participating in activities under subtitle A  
22 of title III; and

23 “(B) by developing native language tests  
24 for limited English proficient students that a  
25 State may administer to such students to assess

1 student achievement in at least reading, science,  
2 and mathematics, consistent with section 1111.

3 “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to carry out this section  
5 \$150,000,000 for fiscal year 2001, and such sums as may  
6 be necessary for each of the 4 succeeding fiscal years.

7 “(c) RESERVATION.—From the amounts appro-  
8 priated under subsection (b) the Secretary shall reserve  
9 \$10,000,000 for the purposes of carrying out activities  
10 under section 1202(c).”.

## 11 **TITLE VIII—GENERAL** 12 **PROVISIONS AND REPEALS**

### 13 **SEC. 801. REPEALS, TRANSFERS, AND REDESIGNATIONS RE-** 14 **GARDING TITLES VIII AND XIV.**

15 (a) IN GENERAL.—The Act (20 U.S.C. 6301 et seq.)  
16 is amended—

17 (1) by inserting after title VII the following:

### 18 **“TITLE VIII—GENERAL** 19 **PROVISIONS”;**

20 (2) by repealing sections 14514 and 14603 (20  
21 U.S.C. 8904, 8923);

22 (3)(A) by transferring title XIV (20 U.S.C.  
23 8801 et seq.) to title VIII and inserting such title  
24 after the title heading for title VIII; and

25 (B) by striking the title heading for title XIV;

1           (4)(A) by redesignating part H of title VIII (as  
2           redesignated by paragraph (3)) as part I of title  
3           VIII; and

4           (B) by redesignating the references to part H  
5           of title VIII as references to part I of title VIII;

6           (5) by inserting after part G of title VIII the  
7           following:

8           **“PART H—SUPPLEMENT, NOT SUPPLANT**

9           **“SEC. 8801. SUPPLEMENT, NOT SUPPLANT.**

10          “A State educational agency or local educational  
11          agency shall use funds received under the Act to supple-  
12          ment, and not supplant, State and local funds that, in the  
13          absence of funds under this Act, would otherwise be spent  
14          for activities under this Act.”;

15          (6) by redesignating the references to title XIV  
16          as references to title VIII;

17          (7)(A) by redesignating sections 14101 through  
18          14103 (20 U.S.C. 8801, 8803) (as transferred by  
19          paragraph (3)) as sections 8101 through 8103, re-  
20          spectively; and

21          (B) by redesignating the references to such sec-  
22          tions 14101 through 14103 as references to sections  
23          8101 through 8103, respectively;

24          (8)(A) by redesignating sections 14201 through  
25          14206 (20 U.S.C. 8821, 8826) (as transferred by

1 paragraph (3)) as sections 8201 through 8206, re-  
2 spectively; and

3 (B) by redesignating the references to such sec-  
4 tions 14201 through 14206 as references to sections  
5 8201 through 8206, respectively;

6 (9)(A) by redesignating sections 14301 through  
7 14307 (20 U.S.C. 8851, 8857) (as transferred by  
8 paragraph (3)) as sections 8301 through 8307, re-  
9 spectively; and

10 (B) by redesignating the references to such sec-  
11 tions 14301 through 14307 as references to sections  
12 8301 through 8307, respectively;

13 (10)(A) by redesignating section 14401 (20  
14 U.S.C. 8881) (as transferred by paragraph (3)) as  
15 section 8401; and

16 (B) by redesignating the references to such sec-  
17 tion 14401 as references to section 8401;

18 (11)(A) by redesignating sections 14501  
19 through 14513 (20 U.S.C. 8891, 8903) (as trans-  
20 ferred by paragraph (3)) as sections 8501 through  
21 8513, respectively; and

22 (B) by redesignating the references to such sec-  
23 tions 14501 through 14513 as references to sections  
24 8501 through 8513, respectively;

1           (12)(A) by redesignating sections 14601 and  
2           14602 (20 U.S.C. 8921, 8922) (as transferred by  
3           paragraph (3)) as sections 8601 and 8602, respec-  
4           tively; and

5           (B) by redesignating the references to such sec-  
6           tions 14601 and 14602 as references to sections  
7           8601 and 8602, respectively;

8           (13)(A) by redesignating section 14701 (20  
9           U.S.C. 8941) (as transferred by paragraph (3)) as  
10          section 8701; and

11          (B) by redesignating the references to such sec-  
12          tion 14701 as references to section 8701; and

13          (14)(A) by redesignating sections 14801 and  
14          14802 (20 U.S.C. 8961, 8962) (as transferred by  
15          paragraph (3)) as sections 8901 and 8902, respec-  
16          tively; and

17          (B) by redesignating the references to such sec-  
18          tions 14801 and 14802 as references to sections  
19          8901 and 8902, respectively.

20          (b) AMENDMENTS.—Title VIII (as so transferred and  
21          redesignated) is amended—

22                (1) in section 8101(10) (as redesignated by  
23                subsection (a)(7))—

24                        (A) by striking subparagraphs (C) through  
25                        (F); and

1 (B) by adding after subparagraph (B) the  
2 following:

3 “(C) part A of title II;

4 “(D) part A of title III; and

5 “(E) title IV.”;

6 (2) in section 8102 (as redesignated by sub-  
7 section (a)(7)), by striking “VIII” and inserting  
8 “V”;

9 (3) in section 8201 (as redesignated by sub-  
10 section (a)(8))—

11 (A) in subsection (a)(2), by striking “, and  
12 administrative funds under section 308(c) of  
13 the Goals 2000: Educate America Act”; and

14 (B) by striking subsection (f);

15 (4) in section 8203(b) (as redesignated by sub-  
16 section (a)(8)), by striking “Improving America’s  
17 Schools Act of 1994” and inserting “Public Edu-  
18 cation Reinvestment, Reinvention, and Responsibility  
19 Act”;

20 (5) in section 8204 (as redesignated by sub-  
21 section (a)(8))—

22 (A) by striking subsection (b); and

23 (B) in subsection (a)—

24 (i) in paragraph (2)—

1 (I) in the matter preceding sub-  
 2 paragraph (A), by striking “1995”  
 3 and inserting “2001”;

4 (II) in subparagraph (B), by in-  
 5 serting “professional development,”  
 6 after “curriculum development,”; and  
 7 (ii) in paragraph (4)—

8 (I) by striking “and section  
 9 410(b) of the Improving America’s  
 10 Schools Act of 1994”; and

11 (II) by striking “paragraph (2)”  
 12 and inserting “subsection (a)(2)”;

13 (III) by striking the following:  
 14 “(4) RESULTS.—” and inserting the following:  
 15 “(b) RESULTS.—”;

16 (IV) by striking the following:  
 17 “(A) develop” and inserting the following:  
 18 “(1) develop”; and

19 (V) by striking the following:  
 20 “(B) within” and inserting the following:  
 21 “(2) within”;

22 (6) in section 8205(a)(1) (as redesignated by  
 23 subsection (a)(8)), by striking “part A of title IX”  
 24 and inserting “part B of title III”;

1 (7) in section 8206 (as redesignated by sub-  
2 section (a)(8))—

3 (A) by striking “(a) UNNEEDED PROGRAM  
4 FUNDS.—”; and

5 (B) by striking subsection (b);

6 (8) in section 8302(a)(2) (as redesignated by  
7 subsection (a)(9))—

8 (A) by striking subparagraph (C); and

9 (B) by redesignating subparagraphs (D)  
10 and (E) as subparagraphs (C) and (D), respec-  
11 tively;

12 (9) in section 8304(b) (as redesignated by sub-  
13 section (a)(9)), by striking “Improving America’s  
14 Schools Act of 1994” and inserting “Public Edu-  
15 cation Reinvestment, Reinvention, and Responsibility  
16 Act”;

17 (10) in section 8401 (as redesignated by sub-  
18 section (a)(10))—

19 (A) in subsection (a), by striking “Except  
20 as provided in subsection (c),” and inserting  
21 “Notwithstanding any other provision regarding  
22 waivers in this Act and except as provided in  
23 subsection (c),”; and

24 (B) in subsection (c)(8), by striking “part  
25 C of title X” and inserting “part B of title IV”;

1           (11) in section 8502 (as redesignated by sub-  
 2           section (a)(11)), by striking “VIII” and inserting  
 3           “V”;

4           (12) in section 8503(b)(1) (as redesignated by  
 5           subsection (a)(11))—

6                   (A) by striking subparagraphs (B) through  
 7           (E);

8                   (B) by redesignating subparagraph (A) as  
 9           subparagraph (B);

10                  (C) by inserting before subparagraph (B)  
 11           the following:

12                   “(A) part A of title I;” and

13                   (D) by adding at the end the following:

14                   “(C) title II;

15                   “(D) title III;

16                   “(E) title VI.”; and

17           (13) in section 8506(d) (as redesignated by  
 18           subsection (a)(11)), by striking “Improving Amer-  
 19           ica’s Schools Act of 1994” and inserting “Public  
 20           Education Reinvestment, Reinvention, and Responsi-  
 21           bility Act”;

22           (14) in section 8513 (as redesignated by sub-  
 23           section (a)(11)), by striking “Improving America’s  
 24           Schools Act of 1994” each place it appears and in-

serting “Public Education Reinvestment, Reinvention, and Responsibility Act”;

(15) in section 8601 (as redesignated by subsection (a)(12))—

(A) in subsection (b)(3)—

(i) in subparagraph (A), by striking “Improving America’s Schools Act of 1994” and inserting “Public Education Reinvestment, Reinvention, and Responsibility Act”; and

(ii) in subparagraph (B), by striking “Improving America’s Schools Act” and inserting “Public Education Reinvestment, Reinvention, and Responsibility Act”; and

(B) in subsection (f), by striking “Improving America’s Schools Act of 1994” and inserting “Public Education Reinvestment, Reinvention, and Responsibility Act”; and

(16) in section 8701(b) (as redesignated by subsection (a)(13))—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) in clause (i), by striking “Improving America’s Schools Act of 1994” and inserting “Public Edu-

1 cation Reinvestment, Reinvention, and  
2 Responsibility Act”;

3 (II) in clause (ii), by striking  
4 “such as the initiatives under the  
5 Goals 2000: Educate America Act,  
6 and” and inserting “under”; and

7 (III) in clause (v), by striking “,  
8 the Advisory Council on Education  
9 Statistics, and the National Education  
10 Goals Panel” and inserting “and the  
11 Advisory Council on Education Statis-  
12 tics”; and

13 (ii) in subparagraph (C)(ii), by strik-  
14 ing “the School-to-Work Opportunities Act  
15 of 1994, and the Goals 2000: Educate  
16 America Act” and inserting “and the  
17 School-to-Work Opportunities Act of  
18 1994”; and

19 (B) in paragraph (3), by striking “1998”  
20 and inserting “2004”.

21 **SEC. 802. OTHER REPEALS.**

22 Titles V, X, XI, XII, and XIII (20 U.S.C. 7201 et  
23 seq., 8001 et seq., 8401 et seq., 8501 et seq., 8601 et

- 1 seq.) and the Goals 2000: Educate America Act (20
- 2 U.S.C. 5801 et seq.) are repealed.

